

RESOLUTION NO. R- 2460

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-77-49(P), BY STANLEY REX AND PAUL THONN, JR., TO DEVELOP 24 TOWNHOUSE UNITS TO BE KNOWN AS "BAY CREST TOWNHOUSES", BEING WITHIN AN RS 8500 (RESIDENTIAL SINGLE FAMILY) ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Preliminary Planned Unit Development Permit filed by Stanley Rex and Paul Thonn, Jr., the owner of said property described in said application and located within an RS 8500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 25, 1977, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental assessment 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 assessment and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public 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 and did recommend approval of the Preliminary Planned Unit Development Permit subject to the specific conditions set forth in said recommendations.

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 the Department of Community Development File No. PUD-77-49(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Preliminary Planned Unit Development Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Preliminary Planned Unit Development Permit or evidence thereof delivered to the permittee.


Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein,

Section 5. Failure on the part of the holder of the Preliminary Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Preliminary Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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


- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 19th day of September , 1977.



Mayor pro tem

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

R-2460



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE August 25, 1977
___ ADOPTED BY _____ DATE _____

___ STAFF _____
___ BOARD OF ADJUSTMENT _____
___ HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION David A. Russell
David A. Russell, Chairman
___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER PUD-77-49(P)
APPLICANT Stanley ReX and Paul Thonn, Jr.
PROPERTY LOCATION SW corner NE 116th St. and 101st Place NE
SUBJECT Preliminary Planned Unit Development for 23-unit townhouse
HEARING/MEETING DATE September 19, 1977
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan "C" Elevations
"D" Project Description "E" Environmental Assessment

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is proposed by Stanley Rex and Paul G. Thonn, Jr., 1804 126th S.E., Bellevue. The name of the project is Bay Crest Townhouses.
2. This is an application for a Preliminary Planned Unit Development consisting of 23 townhouse units developed in six separate structures on 3.3 acres of land. The subject property is located on the south side of N.E. 116th Street and on the west side of 101st Place N.E., (Exhibit "A" - Vicinity Map, "B" - Site Plan, and "C" - Elevations).
3. Setbacks. The applicant proposes a minimum 20 foot setback for the corners of three structures near the north property line and 40 feet for the three structures near the south property line. The minimum setback on the west property line is ten (10) feet and on the east property line it is forty feet (See Exhibit "B").
4. Building Height. The six proposed structures are two story with a maximum height of 25 feet (see Exhibit "C").
5. Parking. The applicant is proposing covered parking for two cars for each townhouse, plus guest parking, for 12. This totals 58 stalls. The code ratio of 2.2 stalls per unit would require 50.6 stalls for a project this size.
6. Justification. Applicant points out that the property is currently "projected by the City of Kirkland Planning Department for the use proposed in this application".

B. HISTORICAL BACKGROUND - Not applicable.

C. GOVERNMENTAL COORDINATION

7. Kirkland Public Service Department. "The buildings will be located in Fire Zone 4. Extension of a water main from N.E. 116th up 101st Place N.E. can be done by the City at charge to applicant (\$.07/square foot of land area). Sewer easement may be routed down the ravine to the southwest in order to connect to Kirkland sewer, and could be financed either by Local Improvement District or entirely by applicant. In any case, water and sewer connections should be made prior to occupancy. Storm water retention systems must be developed to keep surface runoff at pre-development levels. Applicant should be required to pave 101st Place N.E. to a width of 28 feet with curb, gutter and sidewalk improvements on the west side. Also, applicant should enter into agreement with the City to pay into a fund together with other new developments along N.E. 116th Street, for the purpose of then applying for matching federal monies for road and pedestrian way improvements to the arterial. This method was applied in the case of N.E. 132nd

8/25/77

8/18/77bk

Findings, Cont'd

C. 7. (Cont'd)

Street where the assessment was \$10 per front foot."

8. Kirkland Department of Fire Services. "Fire hydrants (are) to be installed in accordance with applicable ordinances and policies. Water mains serving the above hydrants shall be of sufficient size to provide required fire flow and all hydrants and water mains shall be installed and fully operational prior to beginning of construction. Also, the internal access road should have a minimum 12 foot lane width with the capacity for turnaround for emergency vehicles at the western terminus."
9. Kirkland Building Department. The interior access roadway serving the P.U.D. should be designated N.E. 115th Lane.
10. Kirkland Park Department. "Fee in lieu fund requirements should be taken in cash rather than land. Some pedestrian access onto N.E. 116th should be provided besides along 101st Pl. N.E.
11. Police Department. "Buildings should be numbered individually for easy identification."

D. EXISTING PHYSICAL CONDITIONS:

12. Topography/Soils. Local soils mapping indicates the subject property to be within a Ragnar-Indianola association, sloping (Rdc) classification. The topography generally corresponds to the gradient of N.E. 116th St. and falls away to the west. Most of the site is on an approximately 8 to 10% slope with small areas of 15 to 20% slope. Some of this slope at the west end of the property is mapped by the Department of Natural Resources as naturally stable/potentially unstable.
13. Geology. Local geologic mapping indicates the subject property to be within a Vashon Till (Qt) unit.
14. Hydrology. An existing watercourse lies south of the subject property and drains west to Juanita Bay.
15. Flora. The subject property exhibits scrub vegetation.
16. Fauna. Staff has no knowledge of observed animal life on the subject property.

E. PUBLIC UTILITIES:

17. Streets. The subject property is fronting on N.E. 116th Street which is designated as a secondary arterial. The property also fronts on 101st Place N.E., a sixty foot wide unimproved City right-of-way. The applicant has indicated that the proposed development will access only onto 101st Place N.E. Exiting from 101st Place N.E. onto N.E. 116th Street there is excellent visibility (700 + feet) looking west. Visibility to the east is more limited (about 150 feet) due to the gradient of the road and vegetation growing near the right-of-way east of 101st Pl. N.E.

Findings, Cont'd

- E. 18. Paths/Trails. N.E. 116th Street has no sidewalk or trail improvements whatsoever at this time. Further east there is some area with asphalt walkways adjacent to the roadway. Applicant has indicated some pedestrian walkways through the site and connecting to N.E. 116th Street (See Exhibit "B").
19. Domestic Water Supply. An 8" water main exists in N.E. 116th Street. Hookup to the subject property would most likely be via 101st Place N.E.
20. Fire Hydrants. There are no hydrants on or near the site.
21. Sanitary Sewer. There is a North East Lake Washington Sewer District line in N.E. 116th Street. Nearest City sanitary sewer line is about 400 feet to the southwest in 100th Avenue N.E.
22. Storm Sewers. No storm sewers now serve the area. Natural drainage is to the west/southwest into the ravine, or along open ditches along the south side of N.E. 116th Street.
23. Public Transportation. Metro Route 255 follows N.E. 116th Street providing access to the Kingsgate, downtown Kirkland and Seattle areas. No Metro bus stops are designated in the immediate area.

F. NEIGHBORHOOD CHARACTERISTICS:

24. Zoning. The subject property is zoned RS 8500 as are properties to the south and east. Lands to the west and north are in King County and are zoned RM 2400 and RS 9600, respectively. Apartments are under construction on the county lands immediately west of the subject property. Section 23.28.090(3) of the Kirkland Zoning Code in the Planned Unit Development Chapter states that the allowed additional increment of density for a PUD on a given piece of land is determined by designations in the Land Use Policies Plan (see G.27 below).
25. Land Use. There is an existing older single family structure in the center of the otherwise vacant site. Land to the south is undeveloped. Apartments are under construction to the west. Two single family homes are located east of 101st Place N.E., at an elevation roughly ten to fifteen feet higher than the east property line of the subject property. North of N.E. 116th Street are established single family homes, all of which face onto interior collector roads and access onto N.E. 116th Street via 101st Place N.E. The Juanita commercial area is about 900 feet west of the subject property, within walking distance.
26. Public Recreation/Open Space. Juanita Beach Park is about a half mile away to the west. The only other formal recreation area nearby is A. G. Bell Elementary about three quarters of a mile to the southeast. Good views of Juanita Bay are available from the subject property. An undeveloped wooded ravine lies 100 to 150 feet south of the subject property.

Findings, Cont'd

G.. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

27. The recently adopted Land Use Policies Plan discusses the subject of residential density for this area on Pages 321 to 323:

"Slightly higher densities (up to 7 dwelling units per acre) may be permitted on lands fronting on N.E. 116th Street subject to the following conditions:

- (1) This added increment of density would be allowed only on a planned unit development basis.
- (2) Visual buffering by a landscaped setback (normally 40 feet) should separate slightly higher density development from single family adjacent uses.
- (3) There is no direct access from individual dwelling units onto N.E. 116th Street. Access to N.E. 116th Street would be limited to interior loop roads, cul-de-sacs or similar streets. This added increment of density should not be available to properties where topographic conditions pose traffic hazards due to line-of-sight problems. Furthermore, access should be limited to N.E. 116th Street and not onto residential streets to the south.
- (4) Pedestrian access through the development should be required as a condition of approval, if appropriate, to facilitate access to schools.
- (5) Extensions of higher density development should not penetrate into lower density areas and should therefore be permitted, only within a specified distance from N.E. 116th Street.
- (6) Height of structures does not exceed that of adjacent residential uses.
- (7) Some open space is to be included on site in addition to that required under the "in lieu" provisions to meet community needs.
- (8) A slope analysis indicates that this higher density would be suitable on the potentially unstable slope east of 100th Avenue N.E. See the Natural Elements Section for the location of the slope and additional information.

Common wall or cluster housing will be encouraged."

Findings, Cont'd

G. 27. (Cont'd)

Also, a need for a neighborhood park in the Juanita Heights area (2 to 4 acres in size) has been identified in the Land Use Policies Plan, although no site has been selected.

Improvement to N.E. 116th Street is planned by the Public Service Department in conjunction with King County. The two year program envisions a 40 foot curb-to-curb alignment with bicycle/pedestrian ways adjacent. This could be eligible for FAM funds (Federal Aid Match) or some combination of City, County, and private monies.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Preliminary Planned Unit Development is generally consistent with the requirements of the Kirkland Zoning Ordinance and Land Use Policies Plan as specified below.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

2. Department of Public Service: Applicant should be required to make roadway improvements, as well as provision for sewer and water hookups and adequate storm water retention as outlined in Finding C.7., prior to approval of Final P.U.D.

Furthermore, applicant should be required to reach an agreement with the City concerning a payment schedule to fund projected improvements within the N.E. 116th Street right-of-way.

3. Department of Fire Services: Hydrants and water main connections should be secured by applicant prior to the City granting building permits. The Fire Department has indicated that an 18 foot wide asphalt roadway would be acceptable if "NO PARKING" signs were posted and adequate guest parking provided.
4. Kirkland Building Department. No relevant conclusions to this application.
5. Park Department. The applicant should be required to provide the Department of Community Development with the assessed valuation of the entire property as determined by the King County Assessor for general tax purposes for the year during which the application is made. Prior to the City Council review of the Final P.U.D., the applicant should be required to pay either 10% of the assessed valuation of the property into the Park and Municipal Facilities Cumulative Reserve Fund, or \$200 per newly created unit, whichever is greater.

Conclusions, Cont'd

C. 6. Police Department. Applicant should indicate in what manner the buildings will be clearly marked for identification purposes by City emergency and police vehicles.

D. EXISTING PHYSICAL CHARACTERISTICS:

7. Topography/Soils/Geology. Prior to approval of Final P.U.D., the applicant should submit a detailed engineering soils report discussing those areas of the subject property identified as "potentially unstable".
8. Hydrology/Fauna. The above listed characteristics would not pose a constraint upon reaching a positive or negative decision regarding this project.
9. Vegetation. Prior to final Planning Commission review of this Planned Unit Development, the applicant should submit a detailed landscaping plan for this project. The Plan should indicate all evergreen trees as being a minimum of 8 feet tall, and all deciduous trees as having a minimum diameter of 2 inches. The landscape plan should further indicate a landscape buffer along the northern boundary of this development, with trees spaced no further than 20 feet apart. These trees should be placed as far back as possible from the north property line, to minimize sight-distance obstruction to automobiles leaving 101st Place N.E. The landscape plan should further indicate:
 - a. Landscaping along the west property line;
 - b. That a minimum of beauty bark will be used in this development.

E. PUBLIC UTILITIES:

10. Streets. The use of 101st Pl. N.E. as the sole access to the arterial is consistent with the policies in the Land Use Policies Plan. Adequate sighting distances exist from 101st Place N.E. onto N.E. 116th Street. Applicant should pave 101st Place N.E. to a 28 foot width, together with curb, gutter and sidewalk on the west side as far south as the entrance driveway. Adequate turnaround for emergency vehicles is available. Guest parking should be clearly marked on the site plan as well as signed.
11. Paths/Trails. Applicant should reach agreement with the City to help fund road and path improvements to N.E. 116th Street. An internal pedestrian circulation has been shown which will connect with future pedestrian ways in N.E. 116th Street right-of-way. This is consistent with policies to encourage non-vehicular circulation.
12. Domestic Water Supply. Existing water pressure is adequate. However, the applicant should fund the extension of a line from said main into 101st Pl. N.E. and thence into the subject property.
13. Fire Hydrants. One and possibly two hydrants should be installed on site in association with water and street improvements and prior to construction.
14. Sanitary Sewer. The current lack of sewer service should be corrected prior to approval of Final P.U.D. Applicant should make a gravity sewer connection either to the existing City line in 100th Avenue N.E. or the N.E. Lake Washington Sewer District line in NE 116th Street.
15. Storm Sewers. Runoff from the subject property would drain into the existing ravine to the south and west. Prior to Final P.U.D. approval, the applicant should submit for approval a detailed water retention system designed for a 10-year storm.

Conclusions, Cont'd

E. 16. Public Transportation. No relevant conclusions to this application.

F. NEIGHBORHOOD CHARACTERISTICS:

17. Zoning. The proposed development is consistent with the provisions of the Kirkland Zoning Ordinance with respect to density (Section 23.28.090(3)) and other dimensional requirements.
18. Land Use. The proposed development is consistent with the common wall low density precedent that was set by the Springtree P.U.D., 600 feet to the east. Its overall density (7 dwelling units per acre) is in scale with the single family detached units to the north and east.
19. Public Recreation/Open Space. The proposed development should provide required open space for on-site residents as well as pay into the fee-in-lieu of parks fund as cited above at C.5.

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

20. The applicant shall be required to provide a soils report as well as calculations and design drawings which will minimize soil erosion potential.
21. All proposed streets adjacent to and within the proposed P.U.D. shall be constructed to minimum City standards.
22. All required utilities should be undergrounded.
23. The proposed P.U.D. is generally consistent with the standards outlined in the Zoning Code and the Land Use Policies Plan (see G.27 above). Applicant has shown 23 units on the site which is consistent with the density discussed in the Land Use Policies Plan. Standard (8) cited on Page 322 of the Land Use Plan should be addressed by the applicant prior to approval of the Final Planned Unit Development. Also, plans to improve N.E. 116th Street should be supported by the applicant as cited above in C.3. of Conclusions.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "C", we hereby recommend that this application for Preliminary Planned Unit Development be approved subject to the following:

1. The applicant shall make improvements to 101st Place N.E. as outlined above, in E.10 of Conclusions. Also, the applicant shall reach an agreement with the Department of Public Services regarding funding for improvements in the N.E. 116th Street right-of-way.

Recommendations, Cont'd

2. Water main extensions and hydrants shall be in place and built to City standards prior to beginning construction.
3. Applicant shall insure adequate provision for locating and financing sewer hookup prior to Final P.U.D. approval. Applicant shall extend such a line to the easterly property line to facilitate future upland hookups.
4. Applicant shall supply the Department of Community Development with a Soils Engineering Report on the property prior to consideration of the Final Planned Unit Development.
5. Applicant shall also submit a storm water retention plan designed for 10 year storm as well as to maintain runoff at predevelopment levels. This shall include provision for an oil and sediment separator.
6. Applicant shall provide the Department of Community Development with assessed valuation information as cited above in C.5. of Conclusions.
7. Applicant shall indicate in what manner buildings are to be clearly identified for emergency vehicle purposes.
8. All required utilities shall be undergrounded.
9. Prior to Final Planned Unit Development review, the applicant shall submit a detailed landscaping plan in accordance with Conclusion D.9. of this Advisory Report.
10. Applicant should clearly identify guest parking stalls on the site plan and make provision for signing same.
11. Applicant shall erect signs along N.E. 115th Lane which meet standards set by the Department of Fire Services and state that 'no parking' is permitted there.