

RESOLUTION NO. R-2607

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. P-PUD-79-2(P) BY WALTER AND JAMES HOGUE TO CONSTRUCT 39 TOWNHOUSE UNITS AT 10225 N.E. 116TH STREET, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 8500 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 Walter and James Hogue, the owner of said property described in said application and located within a Residential Single Family 8500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of March 22, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy of 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 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 checklist 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. P-PUD-79-2(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 applicants subject to the conditions set forth in the 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 the Kirkland Zoning Ordinance No. 2183.

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

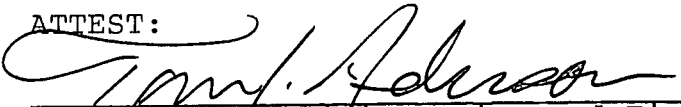
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department of the City of Kirkland
- (d) Parks Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) Project and Construction Management Department of the City of Kirkland
- (h) 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 2nd day of April, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 2nd day of April 1979.

  
 \_\_\_\_\_  
 Mayor

ATTEST:

  
 \_\_\_\_\_  
 Director of Administration and Finance  
 (ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
xxx RECOMMENDED BY \_\_\_\_\_ DATE March 22, 1979  
\_\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_ STAFF \_\_\_\_\_

\_\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_

\_\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

xxx PLANNING COMMISSION \_\_\_\_\_  
*Kay Haenggi*  
Kay Haenggi, Chairperson

\_\_\_\_ CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

\_\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER P-PUD-79-2(P)

APPLICANT Walter and James Hogue

PROPERTY LOCATION 101st Pl. N.E. and N.E. 116th Street

SUBJECT Application for Preliminary Planned Unit Development

HEARING/MEETING DATE April 2, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Information "C" Site and  
Vicinity Maps "D" Letter of 3/12/79 from L. Klosterman "E" Petition  
"F" Building Sections (Sketch 1 and Sketch 2)

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

1. This is an application for a Preliminary Planned Unit Development for 39 townhouse units on a 5.58 acre site. All 39 units would access from N.E. 116th Street. This single access point is proposed to be located approximately 170 feet west of the northeast property corner. The maximum height of structures is proposed to be 25 feet. A minimum 40 foot setback for all structures is proposed from the south and west property lines. From the east property line a minimum 20 foot setback is proposed. A minimum setback of approximately 30 feet is proposed from the north property line.
  
2. The subject property is located at 10225 N.E. 116th Street.

B. RECOMMENDATIONS:

Based upon the findings of Fact, Conclusions, and Exhibits "A" through "F", contained herein, we hereby recommend approval of this application for a Preliminary Planned Unit Development subject to the following conditions:

1. The walkway along N.E. 116th Street shown on Exhibit "C" - Site Plan shall traverse the entire subject property frontage on N.E. 116th Street.
  
2. "NO PARKING - FIRE LANE" signs shall be provided every 150 feet along the main internal road.
  
3. Prior to the issuance of any grading permits on the subject property, the applicant shall:
  - a. Physically delineate by staking or roping off the 40 foot setback areas on the south and west. These 40 foot setback areas shall be untouched by any grading and construction activity prior to City Council approval of the Final Planned Unit Development. This staking or roping off shall be inspected for adequacy by the Department of Community Development, and
  
  - b. Physically stake those trees outside of the 40 foot setback areas which are to be retained. This shall be inspected for approval by the Department of Community Development, and the method of staking the trees shall meet with the operating procedures of that Department, and

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- I. B. 3. c. Submit plans detailing the landscape islands proposed in the internal access road. Existing and proposed trees should be located. The distance between each tree and the nearest section of road shall be indicated. These plans shall be approved by the Department of Community Development.
4. Along with an application for a Final Planned Unit Development for the subject property, the applicant shall submit the following:
- a. A plan showing the internal pedestrian system with the following changes and additions:  
  
Low lighting shall be provided along all pedestrian walkways. This plan shall indicate the location and design of such lighting, including anti-glare hoods or similar devices. A walkway to provide pedestrian access to the easternmost units shall also be indicated on this plan, and
  - b. A complete landscaping plan. This landscaping plan shall indicate the size, species, and location of all existing trees 6" or greater in caliper and indicate which of these trees will be cut and which will remain. In addition, this landscaping plan shall indicate the size, location, and species of all proposed plantings, and
  - c. Detailed plans indicating the measures to be used to control runoff and erosion during construction. Runoff and erosion shall be minimized, and
  - d. Complete utility plans conforming to the standards of the Public Service Department, and
  - e. A statement of the assessed valuation of the property and the most recent taxable sales price, and
  - f. A "NO PROTEST" agreement to the formation of a Local Improvement District along N.E. 116th Street for the provision of roadway and walkway improvements. Said agreement shall be in a form approved by the City Attorney and shall include reference to a potential joint City of Kirkland-King County project. It shall also include consideration to be given for properties which may have participated in earlier funding or installation of improvements, and
  - g. If a sewer easement is necessary, documentation that the sewer easement has been obtained. The location and design of the sewer system shall meet the standards of the Public Service Department, and

- I. B. 4. h. Plans indicating that the wood bridge at the south end shall be capable of carrying a vehicle gross weight of 40,000 lbs.
5. Prior to City Council review of the Final Planned Unit Development the applicant shall:
  - a. Deposit with the City a sum of money equal to \$10 per front foot of the subject property along N.E. 116th Street for future improvements of that right-of-way, and
  - b. Deposit into the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money equal to 6% of the assessed valuation of the subject property or \$200 per unit, whichever is greater.
6. The stream as identified on Exhibit "C" shall remain open across the subject property.
7. The three unit cluster located on the west side of the proposed access road approximately 40 feet south of the northern property line shall be reconfigured to provide a greater distance between the driveways to these units and the intersection of the internal access road with NE 116th St.

II. MAJOR FINDINGS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND: (Not applicable)

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department. The wood bridge at the south end of the complex shall be capable of carrying maximum vehicle gross weight of 40,000 pounds. Written certification from a licensed structural engineer attesting to the capability of this bridge supporting this weight shall be provided to the Kirkland Fire Department. A total of 3 fire hydrants shall be provided on the site. The specific location of these fire hydrants shall be as shown on plans located in the file for this project. A minimum fire flow of 2500 gpm shall be provided. The required fire hydrants shall be installed and fully operational prior to the framing stage of construction. No parking shall be permitted on ingress and egress routes. Signs shall be posted to indicate same. Signs shall be installed prior to the issuance of Certificate of Occupancy Permit.
- b. Police Department. Emergency access appears to be adequate as shown. We would request more information concerning the planters to be located in the roadway. There should be no parking allowed on the interior roads. We would also recommend lighting be provided on all pedestrian paths within the development.
- c. Building Department. This area will become Fire Zone II when the P.U.D. is granted. The shake roofs may become a cost problem in Fire Zone II.

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- II. B. 1. d. Parks Department. The pathway should extend across the entire frontage of the subject property. In addition, pedestrian access to the easternmost units should be provided. Cuts should not be allowed within ten feet of dripline of existing trees.
- e. Public Service Department. Adequate sewer service is available in 101st Place N.E. To avoid pumping, the applicant will need to obtain easements from property owners to the west. This matter should be resolved prior to application for Final Planned Unit Development. Domestic water design shall be by the developer and approved by the City. Both a construction drainage plan and a permanent storm water management plan will be required by this Department. A temporary walkway along N.E. 116th Street should be required in addition to \$10 per front foot for future improvement of N.E. 116th Street.
- f. SEPA. A Declaration of Non-Significance was made by the Responsible Official on January 15, 1979.

2. Conclusions.

The applicant should adhere to the various Department recommendations given above.

C. PUBLIC INPUT:

1. Findings of Fact. The following concerns were expressed by residents in the area:
  - a. The forty foot buffer area on the south and west should remain untouched by future construction.
  - b. The height and bulk of structures on the south portion of the proposed complex should be comparable to existing residences to the south of the subject property.
  - c. A larger setback should be provided on the east property line adjacent to Springtree Condominiums.
  - d. Adequate drainage should be provided at the south property line.
2. Conclusions.
  - a. The forty foot buffer area should remain untouched by grading or construction prior to City Council approval of the Final Planned Unit Development. The specific nature of any land modification allowed in the forty foot fubber area should be determined

with the Final Planned Unit Development. Landscaping and possibly ground level structures and utilities extend into the forty foot setback area subject to review at the Final Planned Unit Development stage.

- b. The height of structures should be limited to 25 feet. Structure design in the southern border of the subject border of the subject property should be as in Exhibit "F".
- c. As Springtree is a multi-family development with 10 foot setbacks on the west side (adjoining the subject property) a 20 foot setback adjoining Springtree as proposed for the subject property is adequate.
- d. Facilities to provide adequate drainage should be provided during and after construction.

D. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. A drainage course runs east to west through the southern half of the subject property. The land slopes down to that drainage course from both the north and south at an average grade of approximately 5 to 7 percent.
- b. Vegetation. Vegetation on the subject property consists primarily of deciduous trees, mostly maple and alder. A few cottonwood and coniferous trees also exist on the site.



- D. 1. c. Hydrology. A stream course runs east to west through the southern half of the subject property.

2. Conclusions.

The applicant should retain the existing vegetation wherever possible. To this end the 40 foot setback areas on the south and west should be undisturbed by any grading or construction. In addition, all trees to be retained outside of the 40 foot setback area should be staked by the applicant, and this staking should be reviewed and approved by the Department of Community Development prior to the commencement of any grading or construction on the subject property. The stream channel is proposed to be integrated into the storm water management system.

E. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Sanitary Sewer/Storm Sewer/Domestic Water. See Public Service Department comments above.
- b. Streets. The subject property fronts on N.E. 116th Street. N.E. 116th Street is a 60 foot wide right-of-way which is not improved with curb, gutter, or sidewalk.

2. Conclusions.

- a. Sanitary Sewer/Storm Sewer/Domestic Water. See Public Service comments above.
- b. Streets. N.E. 116th Street should be fully improved as that right-of-way is heavily used by both vehicular and pedestrian traffic. However, this street should be improved as a unit rather than piecemeal, property by property. Consequently, the applicant should sign a "no protest" agreement for the formation of a Local Improvement District for N.E. 116th Street. In addition, the applicant should pay a \$10 per front foot fee for walkway improvements on N.E. 116th Street.

II. F. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is zoned Residential Single Family 8500 square feet minimum lot size as are properties to the south and west of the subject property. Property to the east of the subject property is zoned RM 3600 and PUD.
- b. Land Use. The subject property is currently vacant. Single family houses exist on properties immediately to the west and south of the subject property. An approved townhouse Planned Unit Development at a density of slightly less than 7 dwelling units to the acre is currently being constructed several hundred feet to the west of the subject property. Immediately to the east of the subject property is the Springtree Condominium development. On property immediately to the east of the Springtree Condominium development a townhouse development has been given preliminary approval at 7 units to the acre. To the north of the subject property, within the jurisdiction of King County, there are properties containing single family residences.

2. Conclusions.

This application is generally consistent with the zoning and developing land use in the area.

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

1. Statements of Fact.

- a. The following extract from the Juanita Heights Area Section of the Land Use Policies Plan is applicable (Pages 362 and 363):

"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

II. G. 1. a. (3) (Cont'd)

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 for 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 Ave. N.E. (see the Natural Elements Section for the location of the slope and additional information.).

Common wall or cluster housing will be encouraged."

- b. The following extract from the Kirkland Zoning Ordinance is applicable: (Section 23.28.131)

..."All Planned Unit Developments which propose residential uses shall be subject to the provisions of Section 23.10.110(5) of this Ordinance if the residential density is greater than one (1) dwelling unit per 7200 square feet of land area subject to residential use."

- c. Section 23.10.110(5) states that monies equal to 6% of the assessed valuation of the property or \$200 per unit, whichever is greater, shall be deposited into the "in lieu open space account" of the Park and Municipal Facilities Cumulative Reserve Fund for all new residential development in RM zones.

I. G. 2. Conclusions.

- a. This proposal, with a density of one unit per 6242 square feet of land area, is subject to Section 23.10.110(5) of the Zoning Ordinance. Prior to City Council review of the Final Planned Unit Development the applicant should deposit into the "in lieu open space account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money equal to 6% of the assessed valuation of the subject property or \$200 per unit, whichever is greater.
- b. This application meets criteria (1) through (7) of the relevant section of the Land Use Policies Plan as quoted above. In regard to criteria (4) concerning the provision of pedestrian access through the proposed development, the applicant has not indicated this on his site plan. It does not appear at this time however, that a pedestrian connection to the south is possible as the subject property is surrounded on the south, west and east by properties privately owned and developed.
- c. To provide for greater vehicular safety the three-unit cluster on the west side of the access road approximately forty feet south of the northern property line should be reconfigured to provide a greater distance between the driveways to these units and NE 116th St.

III. APPENDICES:

Exhibits "A" through "F" are attached.