

RESOLUTION NO. R- 2633.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. F-PUD-79-49(P), BY CARL POLLARD, JUANITA BAY ASSOCIATES, TO CONSTRUCT 33 TOWNHOUSE UNITS IMMEDIATELY SOUTH OF N.E. 116TH STREET, JUST EAST OF SPRINGTREE CONDOMINIUMS AT 105TH AVENUE N.E., BEING WITHIN A RESIDENTIAL SINGLE FAMILY 8,500 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development Permit filed by Carl Pollard, Juanita Bay Associates, 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 special meeting of June 14, 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 Final 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. F-PUD-79-49(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Final Planned Unit Development Permit shall be issued to the applicant 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 Final 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 Final Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance 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) Fire and Building Department of the City of Kirkland
- (d) Parks Department of the City of Kirkland
- (e) Public Service Department of the City of Kirkland
- (f) Police 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.

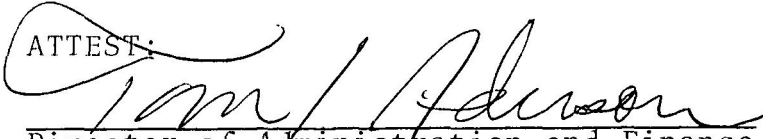
ADOPTED in regular meeting of the City Council on the 2nd day of July, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 2nd day of July, 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 _____

XX RECOMMENDED BY _____ DATE June 14, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

Victor Sampson
Victor Sampson, Vice-Chairman

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER F-PUD-79-49 (P)

APPLICANT Juanita Bay Associates

PROPERTY LOCATION South of N.E. 116th St., east of Springtree Condominiums

SUBJECT Application for Final Planned Unit Development to locate 33 units on 4.71 acres of land.

HEARING/MEETING DATE June 14, 1979

BEFORE Kirkland Planning Commission

EXHIBITS ATTACHED "A"Application "B"Vicinity Map "C" Site and Landscape Plan "D"Notice of Approval-Prelim. PUD "E"Pre1. PUD Site Plan "F" Letter from Applicant "G"Lighting Specs. "H" Minutes of Planning Commission Hearing

I. SUMMARY:

A. DESCRIPTION OF THE PROPOSAL:

1. This is an application for a Final Planned Unit Development consisting of 33 townhouse units on a 4.71 acre site. The proposed density is 7.0 dwelling units per acre.
2. The subject property is located immediately south of N.E. 116th St., just east of Springtree Condominiums at 105th Ave. N.E.
3. The proposal includes five buildings containing 4 units each, one building containing 5 units, and one building containing eight units. All of these buildings will maintain a setback of at least 40 feet from all property lines.
4. The proposal also includes a tennis court which encroaches two feet into the west side yard setback and one foot into the rear yard setback. Seventy-three parking stalls are proposed for a ratio of 2.2 stalls per unit.
5. The 33 units will access from N.E. 116th St. along a 24-foot wide internal road.

B. RECOMMENDATIONS:

Based upon the Statements of Fact, Conclusions, and Exhibits "A" through "H" contained herein, we recommend that this application be approved subject to the following conditions:

1. A 5 foot wide gravel walkway shall be provided along N.E. 116th Street. (Exhibit "C" - Landscape Plan).
2. Low lighting shall be provided along all pedestrian walkways (see Exhibit "G" - Lighting Specs).
3. "NO PARKING - FIRE LANE" signs shall be provided every 150 feet along the main internal road.
4. The applicant shall conform to the construction drainage plan and storm water retention system plans approved by the Public Service Department. Runoff and erosion shall be minimized.
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 to that right-of-way.

- I. B. 5. 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. Prior to issuance of any grading permits on the property, the applicant shall:
 - a. Physically rope off the 40 foot setback areas, except in the location of the tennis courts, to delineate those areas that are to remain completely untouched. This roping off shall be inspected for adequacy by the Department of Community Development.
 - b. Physically stake all trees outside of the 40 foot setback area which are to be retained. These 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.

7. Prior to the issuance of the final building permit, the applicant shall submit for review and approval of the Department of Community Development a revised landscape plan with the location of the various species of ever-green shrubs and trees. All areas not covered with lawn or native groundcover and shrubbery shall be covered with a living landscape material.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

The Preliminary Planned Unit Development for this project was approved by the City Council as Resolution R-2577 on December 18, 1978. The approved site plan (Exhibit "E") has been modified. These modifications are described in a letter from the applicant, Exhibit "F". The Notice of Approval is shown as Exhibit "D".

6/14/79

6/7/79 bk

II. A. 2. Conclusions.

The applicant has complied with the conditions of approval addressing items to be submitted for the Final P.U.D. application.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Parks Department. A walkway should be provided along N.E. 116th St., and sidewalk should be provided along the main interior road.
- b. Fire Department. A minimum width of 24 feet shall be maintained for the ingress and egress of emergency vehicles. Fire hydrants will be required. The number of hydrants and their exact location can be determined when a detailed set of prints is provided to the Fire Department. The minimum fire flow requirements cannot be determined until more detailed plans are provided. "No Parking" signs will be required in those areas where parking could hinder or delay the response of Fire Department vehicles.
- c. Police Department. Emergency access appears to be adequate. Low level lighting should be required for the pedestrian walkways.
- d. Building Department. Building code data is correct as shown on the preliminary site plan. Handicapped units should be provided per the State building code. The project will be located in Fire Zone 2.
- e. Public Service Department. Adequate sanitary sewer service is available. The main sewer line will be extended at the expense of the developer. The design of the domestic water system and the storm water system will be approved by the City and constructed by the developer. A temporary walkway along N.E. 116th St. should be provided. In addition \$10 per front foot should be provided for future improvements on N.E. 116th Street.

2. Conclusions.

- a. A 5 foot gravel walkway should be provided where the subject property abuts N.E. 116th Street.
- b. Low lighting should be provided along all pedestrian walkways.
- c. "NO PARKING - FIRE LANE" signs should be provided every 150 feet along the main internal road.

- II. B. 2. d. Prior to City Council review of the Final Planned Unit Development the applicant should deposit with the City a sum of money equal to \$10 per front foot of the subject property along N.E. 116th Street. These funds will be for future improvements on N.E. 116th Street.

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The subject property slopes down gradually from northeast to southwest.
- b. Vegetation. The subject property contains primarily deciduous growth, consisting of alder and maple trees for the most part, with the normally associated undergrowth. The site supports a few scattered coniferous trees.

2. Conclusions.

- a. The applicant shall conform to the construction drainage plan and storm water retention system plan to be approved by the Public Service Department.
- b. Prior to the issuance of the final building permit, the applicant shall submit for review and approval of the Department of Community Development a revised landscape plan with the location of the various species of evergreen shrubs and trees. All areas not covered with lawn or native groundcover and shrubbery shall be covered with a living landscape material.

D. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. The subject property fronts on N.E. 116th St., which is a 60 foot wide right-of-way. N.E. 116th St. is improved with approximately 22 feet of asphalt without curb, gutter, or sidewalk.
- b. Sewer/Water. Existing 8" sewer lines exist within the Springtree development and within the right-of-way of N.E. 116th Street.
- c. Improvements to N.E. 116th St. are contemplated but would not be constructed for several years. These improvements would most likely consist of wider asphalt paving than now exists as well as curb, gutter, and sidewalk.

2. Conclusions. (See Governmental Coordination, above).

II. E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property as well as all surrounding properties within Kirkland other than Springtree is zoned RS 8500. The Springtree property is zoned RM 3600.
- b. Land Use. Bordering the southern portion of the western property line of the subject property is the Springtree multi-family Planned Unit Development. Further west is the recently approved Planned Unit Development for the Baycrest Townhouses just west of 101st Pl. N.E. All other nearby uses are detached single family.

2. Conclusions. The proposed land use is consistent with the developing land use pattern in the area.

F. 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 St. 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 St. 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.

II. F. 1. a. (Cont'd)

- (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 moneys 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.

2. Conclusions.

- a. Structures shall not exceed a height of 25 feet above the existing grade and shall be set back at least 40 feet from the side and rear property lines.
- b. This proposal, with a density of one unit per 6223 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.
- c. The application meets criteria (1) through (7) of the relevant section of the Land Use Policies Plan.

II. G. CITIZEN INPUT:

1. Statements of Fact.

A number of residents of the area expressed their concerns related to traffic along N.E. 116th, the lack of an adequate and safe walkway for school children along N.E. 116th, and the lack of a pedestrian walkway through the proposed PUD. (See Exhibit "H" - Planning Commission Minutes).

2. Conclusions.

Many of these issues had been brought up during the preliminary stage of this proposal, and were previously addressed by the Planning Commission and City Council. The applicant is being required to submit funds toward future improvement of N.E. 116th.

The traffic problem is not easily solved however, as N.E. 116th lies in two jurisdictions - Kirkland and King County. The walkway along the Kirkland side of N.E. 116th required as a condition of approval for this development and other developments along this street, will temporarily meet the need for a much needed walkway. A pedestrian pathway through this PUD is unfeasible at this time, as the abutting properties to the south, are developed with single family homes. A walkway from N.E. 113th Place to N.E. 116th is being examined in conjunction with a proposed subdivision further to the west.

III. APPENDICES:

Exhibits "A" through "H" are attached.