

RESOLUTION NO. R-2637

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-79-67(P) BY WALTER AND JAMES HOGUE TO CONSTRUCT 39 TOWNHOUSE UNITS ON 5.58 ACRES AT 10225 N.E. 116TH STREET, 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 Walter and James Hogue, the owners of said property described in said application and located within an RS 8.5 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their meeting of June 28, 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-79-67(P) are adopted by the Kirkland City Council as though fully set forth herein except for Recommendation 8, which was not adopted.

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, with the further condition that a greenbelt easement measuring 25 feet in width along the eastern 297.45 feet of the southern property line shall be recorded with the King County Department of Records and Elections. No construction, clearing or alterations shall be allowed to occur within

the boundaries of this easement with the exception of landscaping, ordinary maintenance and repair and, that a public pedestrian access easement shall be recorded describing that portion of the internal access pathway which lies adjacent and parallel to NE 116th St. within the PUD.

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 resolution 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 as expressly set forth herein.

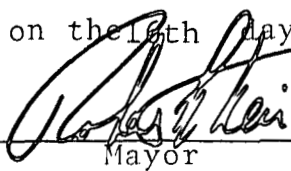
Section 5. Failure on the part of the holder of the Final Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance 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) Fire and Building Departments 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) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
- (h) Project and Construction Management Department for the City of Kirkland

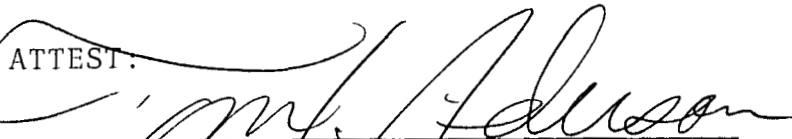
ADOPTED in regular meeting of the City Council on the 16th day of July, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 16th 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 28, 1979
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Kay Haenggli, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER F-PUD-79-67(P)

APPLICANT WALTER & JAMES HOGUE

PROPERTY LOCATION 10225 N.E. 116th Street

SUBJECT APPLICATION FOR FINAL PLANNED UNIT DEVELOPMENT

HEARING/MEETING DATE July 16, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan (See large map) "D" Landscaping (see large map) "E" Bldg. Elevations (see large map) "F" Building Sections "G" Explanatory Text "H" Prel. PUD Notice of Approval "I" Prel. PUD Site Plan "J" NE 116th St. Traffic Analysis

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

1. This is an application for a Final 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. Applicants are James and Walter Hogue.

B. RECOMMENDATIONS:

Based upon the Findings of Fact, Conclusions and Exhibits "A" through "J"; 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. 5/8" gravel shall be used, and screeds installed along the sides. Interior walkways shall be a pervious surface such as gravel, cinders, or similar material.
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. The entire 40 foot setback on the west and the southern 25 feet of the 40 foot setback on the south shall be untouched by any grading and construction activity, except for utility installation, 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.
 - 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.

I. B.

4. Prior to issuance of Building Permits, 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.
5. The stream as identified on Exhibit "C" shall remain open across the subject property.
6. The applicant shall contact the Fire Department regarding number and location of fire extinguishers and fire hydrants to be installed by the applicant.
7. Roof drains shall connect directly into the underground storm drainage system.
8. A greenbelt easement measuring 25 feet in width along the southern property line shall be recorded with the King County Department of Records and Elections. No construction, clearing or alteration shall be allowed to occur within the boundaries of this easement with exception of landscaping, ordinary maintenance and repair.

I. MAJOR FINDINGS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

The Preliminary PUD (P-PUD-79-2) was approved by the City Council in Resolution R-2607 (see Exhibit "H" - Notice of Approval) on April 2, 1979. The applicant has met conditions of approval 1, 4a - 4e, 6 and 7. Condition 4g (sewer easement) will be submitted prior to City Council review of this application. The applicant's proposed changes in the final site plan are mentioned in Exhibit "G".

2. Conclusions.

The applicant has complied with the applicable conditions of approval, except 4g the sewer easement, which should be submitted prior to City Council review of this application.

II. B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department. "NO PARKING - FIRE LANE" signs, to be installed and maintained by the developer, shall be provided every 150 feet on the ingress/egress road. The Fire Department should be contacted for sign specifications. Fire extinguishers conforming to National Fire Protection Association Pamphlet #10 requirements shall be installed by the applicant. Contact the Fire Department for locations and numbers. Number of hydrants and their locations, to be installed by the developer, will be determined by the Fire Department.
- b. Building Department.

This area will become Fire Zone II when the P.U.D. is granted.
- c. Police Department. Emergency access appears to be adequate as shown. There should be no parking allowed on the interior roads. We would also recommend lighting be provided on all pedestrian paths within the development.
- d. 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. 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.
- e. Parks Department. 5/8 minus gravel and screeds should be used on the walkway parallel to N.E. 116th. Interior walkways should be dirt.
- f. SEPA. A Declaration of Non-Significance was made by the Responsible Official on January 15, 1979.
- g. Metro Transit. Route #255 (Kingsgate to Seattle) runs along N.E. 116th Street.

2. Conclusions.

- a. "NO PARKING - FIRE LANE" signs should be provided every 150 feet along the main internal road.
- b. The applicant should install fire extinguishers, conforming to the standards in National Fire Protection Pamphlet #10; and fire hydrants, to be determined by the Fire Department.

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- II. B. 2. c. Low level lighting should be provided along all pedestrian paths within the development. (See Exhibit "C").
- d. A sewer easement is not needed for this development.
- e. A sum of funds, equal to \$10 per front foot of the subject property along N.E. 116th Street should be deposited with the City for future improvements to N.E. 116th Street, prior to issuance of Building Permits.
- f. A temporary 5/8" gravel walkway (with screeds) along N.E. 116th Street shall be installed by the applicant. Interior walkways should be gravel, cinders or other impervious surface, rather than dirt walkways, which could become muddy in the winter.
- g. Road, sewer, water, construction drainage and storm water retention plans have been submitted to the Public Service Department for approval.
- h. Transit service is available to serve this development.

C. 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.

2. Conclusions.

- a. The applicant should retain the existing vegetation wherever possible. To this end the 40 foot setback area on the west and 25 foot greenbelt on the south 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.
- b. A greenbelt easement measuring 25 feet in width along the southern property line should be recorded with the King Co. Department of Records and Elections. No construction, clearing or alteration should be allowed to occur within the boundaries of this easement with exception of landscaping, ordinary maintenance and repair, 6/28/79
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II. D. 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. Two driving lanes currently exist. This project would add approximately 109 round trips per day, or less than 2.6% to the traffic flow on N.E. 116th Street. (See Exhibit "J" - Traffic Analysis). A joint City-County project to improve N.E. 116th St. is possible in the future.

2. Conclusions.

- a. Sanitary Sewer/Domestic Water. See Public Service comments above.
- b. Storm Sewer. Roof drains should connect directly into the underground drainage system.
- c. 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 pay a \$10 per front foot fee for future improvements on N.E. 116th Street.

At a density of 7 units per acre, the traffic impact of this project is minimal, adding 2.6% to the overall traffic on N.E. 116th. If developed at a lower density of 5 units per acre (approximately 28 units), traffic increase would be in the area of 3.4%.

E. 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

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II. E. 1. b. (Cont'd)

to the east of the subject property is the Springtree Condominium development. On property immediately to the east of the Springtree Condominium development a town-house 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 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.

- II. G. 1. a. (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.

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 issuance of City of Kirkland Building Permit, 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.

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II. H. CITIZEN INPUT

1. Statements of Fact.

Mrs. Patricia McPhee, 10170 N.E. 133th Place, Kirkland (neighboring property owner to the south) supported the applicant's request to reduce the 40 foot natural area along the south property line to 25 foot natural area. She noted this would allow the buildings to be placed lower, minimizing visual impact on the properties to the south. Mrs. McPhee was also concerned about future owners removing the vegetation within the 25 foot area.

2. Conclusions.

The 40 foot setback area to the south should become a 40 foot setback area, with a 25 foot greenbelt easement. No construction should be allowed within the easement with exception of landscaping, ordinary maintenance and repair. This easement should be recorded with the King County Department of Records and Elections. Anyone violating these conditions would be in violation of the Zoning Ordinance, and subject to the penalties allowed by the Ordinance.

III. APPENDICES:

Exhibits "A" through "J" are attached.