

RESOLUTION NO. R-2666

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. R-F-PUD-79-85(P) BY DONALD S. HILL AND GERALD R. SCHLATTER TO CONSTRUCT PHASE I OF "FORBES CREEK", BEING WITHIN SINGLE FAMILY RESIDENTIAL 35,000 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 Donald S. Hill and Gerald R. Schlatter, the owners of said property described in said application and located within a Residential Single Family 35,000 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 20, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 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 positive declaration reached, and

WHEREAS, thereafter a Final Environmental Impact Statement was prepared, published and made available and accompanied the application through the entire review process.

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 Impact Statement 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. R-F-PUD-79-85(P) are adopted by the Kirkland City as though fully set forth herein, except for Recommendation 1c which is not adopted.

Section 2. The Final 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, and further subject to the following condition: All roadway improvements within 116th Ave. N.E. and Phase I as identified in Exhibit "C" shall be completed or a performance bond filed with the City prior to the issuance of any grading or building permits on the subject property. Said bond shall be in an amount to be determined by the Public Service Department. If the applicants wish to post a bond or other monetary security in lieu of the improvement they shall submit a detailed cost estimate for review and approval by said Department.

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 or evidence thereof delivered to the permittee.

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

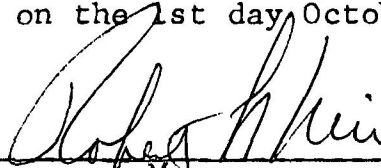
Section 5. Failure on the part of the holder of the Final Planned Unit Development to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance 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
- (c) Fire and Building Department of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) Project and Construction Management Department of the City of Kirkland
- (f) 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 1st day of October, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 1st day October, 1979.

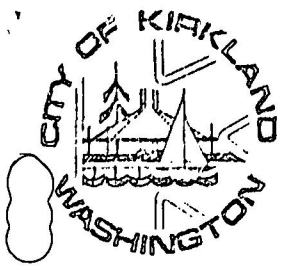


Mayor

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 September 20, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

xx PLANNING COMMISSION Kay Haenggi

CITY COUNCIL AS INCORPORATED IN Kay Haenggi, Chairperson

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-F-PUD-79-85(P)

APPLICANT Gerald Schlatter

PROPERTY LOCATION Betw. 116th Ave. N.E. & I-405, in N.E. Quadrant of intersection of NE 104th St. & 116th Ave. N.E. (North Highlands area)

SUBJECT FINAL PLANNED UNIT DEVELOPMENT AND REZONE "FORBES CREEK"

HEARING/MEETING DATE October 1, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Applications "B" Vicinity Map "C" Site Plans (six pages) "D" Elevations "E" Soils Report "F" Notice of Approval - Preliminary P.U.D.

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I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for Final Planned Unit Development and Rezone of Phase I of "Forbes Creek", submitted by Gerald Schlatter. Phase I includes 2.4 acres of park and public right of way and 32 residential units. The Forbes Creek project is in the North Highlands neighborhood, between 116th Avenue NE and Interstate 405, in the northeast quadrant of the intersection of NE 104th Street and 116th Avenue NE. Phase I is in the southeast portion of the entire parcel. Refer to Exhibits "B" and "C", Vicinity Map and Phasing. (Page 3 of 6)

The Rezone would include only the land within Phase I, and would change the zoning classification from single family, 35,000 square foot lot size (RS 35,000) to single family, 8,500 square foot lot size (RS 8500).

The 32 dwelling units are townhouse type units, with single family scale units near the edge of the property (see Exhibits "C" and "D", Site Plan Phase I and Elevations).

The 2.2 acre park includes tennis courts, basketball hoops and a tot lot. Three parking stalls are provided. (See Exhibit "C", page 6 of 6).

An Environmental Impact Statement was written for the Preliminary PUD application. References from the Environmental Impact Statement relevant to Phase I are discussed under Section II. of this report.

B. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions, and Exhibits "A" through "F" included with this report, we hereby recommend approval of this application for Rezone and Final Planned Unit Development, subject to the following conditions:

1. Prior to City Council approval of the Final P.U.D. for Phase I, the following shall occur:

- a. The applicant shall submit a landscaping plan for individual units to be reviewed by the Department of Community Development as well as detailed construction drawings of all public and private roadway and utility improvements for review and approval for the Departments of Public Service and Project and Construction Management. Said improvements shall conform to other applicable exhibits and conditions of this approval. Furthermore, improvements within the right-of-way of 116th Ave. N.E. shall be consistent with an overall design for that portion of said right-of-way north of N.E. 104th St. as approved by the Public Service Department.

- b. All public improvements must be bonded for in an amount determined by the Public Service Department. 9/20/79 9/11/79 hk

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- I. B. 1. c. All roadway improvements within 116th Ave. N.E. and Phase I as identified in Exhibit "C" shall be completed or bonded for in an amount to be determined by the Public Service Department. If the applicants wish to propose a bond or other monetary security in lieu of a bond, they shall submit a detailed cost estimate for review and approval or adjustment by said Department.
2. Prior to issuance of any Certificate of Occupancy:
 - a. The park improvements shall be physically installed and completed by the applicants and inspected for approval by representatives of the Parks and Community Development Departments. No deviation from the approved design shall be permitted without the review of the Parks Department and Parks Board.
 - b. Pedestrian crosswalks shall be striped connecting the two park areas. One shall connect the sidewalk at 116th Ave. N.E. and one shall connect the sidewalks at the intersection of the loop road and the entrance road.
 - c. Fire hydrant location, placement of blue reflective markers, and signage for "No Parking - Fire Lane" shall be inspected and approved by the Kirkland Fire Department.
 - d. A public easement allowing use of the interior private road shall be recorded with King County. Said easement shall be a form and substance approved by the City Attorney.
 - e. Landscaping must be installed prior to Certificate of Occupancy and any substitutions must be approved by the Department of Community Development.
3. The maintenance of all roadways and pedestrian ways shall be the responsibility of the owners within the development.
4. All construction activities shall be limited to the hours between 7 a.m. and 8 p.m. on weekdays, and prohibited on Sundays.
5. Recommendations of the soils report dated November 11, 1977, shall be incorporated in the plans for Building Permit. Soils Report is included as Exhibit "E".
6. The plans for interim storm drainage/erosion control shall remain fully operational until the construction activities are complete.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

- a. The Phase I site of this development was at one time used as a barrow pit for freeway construction. More recent activities have included some private grading on the site as well as the storage of construction equipment and materials.
- b. The Forbes Creek project received preliminary approval under City Council Resolution 2527, passed on May 15, 1978, and extended on November 6, 1978. The Notice of Approval for the preliminary application is found in Exhibit "F".

2. Conclusions.

The use of the property as a barrow pit in the past has left a site that is relatively flat and devoid of major vegetation. The final Planned Unit Development must comply with the stipulations of the preliminary approval.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Police Department. Access to the PUD is adequate. Parking for the use of the public using the park. There should be some spaces provided.

II. B. 1. (Cont'd)

- b. Public Service Department. A new water main will be needed to connect 116th NE to Par Mac system. In 116th Ave. NE, there is an existing 8" main which the City will connect to the Par Mac system. All public improvements must be bonded for prior to City Council approval in an amount determined by the Public Service Department.
- c. Fire Department. A minimum of 12 feet horizontal and vertical clearance is required on all streets and access drives. A total of 11 fire hydrants will be required with the overall plat. Fire flow requirements will be determined when working drawings of the buildings are submitted. Blue reflective hydrant markers shall be placed in the middle of the street opposite each fire hydrant. "No Parking - Fire Lane" signs shall be provided along the loop road by applicant. The maintenance and upkeep of signs shall be the responsibility of the owners.
- d. Building Department. Projects should be located in Fire Zone 2. Buildings as shown are not zero lot line.
- e. Park Department. Plans approved as shown. Want to be involved in approval of specifications and working drawings, and want to supervise on-site work.

2. Conclusions.

The location of fire hydrants, placement of blue reflective markers, and the signage for "No Parking - Fire Lane" should be inspected and approved prior to any Certificate of Occupancy. Fire Flow must meet City standards. Striped walkways should connect the two halves of the park. One should be along 116th Ave. NE and one should be an extension of the 5' concrete sidewalk at the intersection of the loop road and the entrance road. Three parking spaces are available for the park. All public improvements must be bonded for prior to City Council approval in an amount determined by the Public Service Department.

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The topography of Phase I resulted from the construction activity of the freeway and use of the site as a barrow pit. There is a drop off of 20 to 25 feet along the southern edge of the property, and the remainder of the site is gently sloping with less than a 5% slope. (see page 4 of 6 in Exhibit "C")

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- C. 1. b. Hydrology. Forbes Creek runs through a ravine in this PUD project, but no part of Forbes Creek lies within Phase I.
- c. Soils/Geology. Local soil mapping indicates the subject property to be located within Alderwood Arents classification. The geologic unit is Vashon Till. This soil type has moderately good drainage and slight erosion slippage hazare, and low permeability. A complete soils report was done for the Environmental Impact Statement and is included as Exhibit "E" with this report.
- d. Vegetation. Phase I is sparsely vegetated due to its history as a barrow pit.
- e. Noise. An acoustic study was conducted on the subject property and discovered that freeway caused noise entering the site at the southeast corner exceeds the 1973 EPA sleep interference criteria of 60d BA by 9d BA. The applicants are proposing to place an earth berm along the southeast corner of the property to reduce existing noise levels. Phase I, however, is not located along the eastern edge of the property, and the noise buffers would not be part of the first phasing.

2. Conclusions.

The area included in Phase I was graded in the past. Therefore, vegetation is sparse and the topography is quite level. The site generally does not constrain development, but all recommendations of the soils engineer should be taken into account in the construction drawings of the units. No construction should occur in the steep area adjacent to the south property line; none is proposed with the Final P.U.D.

D. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Sanitary Sewer: The Environmental Impact Statement states the existing condition - "an 8" sewer line is extended approximately 1000' from 72" Metro trunk line onto 116th Ave. NE. A plan for extension of 8" line for 600' from the aforementioned 8" sewer line at the northwest corner of the project site as approved by the City of Kirkland Department of Public Works. The sewer line within the project could be extended to the undeveloped properties to the south.
- b. Domestic water. The Environmental Impact Statement speaks to water supply as follows: "An 8" water main supplying approximately 90 pounds of pressure at the northern end of the subject property will serve the

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

site from 116th Ave. This deadend line will be tied into a 12" line on NE 100th Street with the extension of lines on 111th Ave. NE and NE 104th St. This addition should improve the already adequate system both domestic and fire flows." The City of Kirkland is to connect the 8" water main in 116th Ave. NE to the 12" water main in the Par Mac system.

- c. Streets. The applicants are dedicating a strip of land 30' wide to the City of Kirkland for right-of-way purposes where the property, both in the PUD and the subdivision, abut 116th Ave. NE as required by the preliminary PUD approval. Other improvements to 116th Ave. NE include 18' of asphaltting with underground drainage, curb and gutter improvements, and a 5' wide concrete sidewalk along 116th Ave. NE, and a turnaround at the northern extent of the improvements to 116th Ave. NE. The interior road is a loop system with a minimum of 24' of width, rolled curb and gutter. The interior loop will be private and the maintenance of all roadways within the development are to be the responsibility of the owners within the Planned Unit Development.
- d. Storm drainage. According to the preliminary approval, the storm drainage system must be designed so that the water leaving the site form the storm having an intensity equal to or less than 10-year storm will not have a lesser quality or greater quantity then that which currently leaves the site under identical storm conditions. The system was to include oil and silt separators and energy dissipating devices, to maintain the quality of water in Forbes Creek, as well as to reduce the potential for erosion and eventual stream sedimentation. In addition, an interim storm drainage erosion control plan was submitted to the Department of Public Service.
- e. Sidewalks. The pedestrian system includes 5' concrete sidewalks along the loop road plus sidewalks from the garages to the units. A concrete stairway connects the pedestrian system of this development with the development directly to the south.
- f. Traffic/Access. Traffic and access issues were discussed

I. D. 1. f. (Cont'd)

at length prior to the preliminary approval of this PUD. A traffic analysis was done with the Environmental Impact Statement, and a letter was received from the State of Washington stating their plans for signalization at the intersection of NE 85th St. at 114th Ave. NE. The signalization is planned for construction in the late Fall of 1979. No improvements for the overall traffic and circulation pattern in the Highlands area were required with the Notice of Approval or the preliminary action.

2. Conclusions.

Since the traffic and circulation issues were thoroughly considered at time of Preliminary Application, and because the concept of this PUD was approved in the configuration proposed for final, the issues of traffic and circulation have already been decided. Sewer and storm drainage plans have been reviewed and approved by the Public Service Dept.

Proposed public improvements including streets, sidewalks, sewer, and water were specified in the Notice of Approval for the Preliminary PUD (Exhibit "D"). They must be installed or bonded for prior to City Council based on drawings approved by the Public Service Department.

E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

a. Zoning.

The subject property is presently zoned RS 35000, but Phase I is accompanied by a rezone application to change the zoning classification from RS 35000 to RS 8500. The property directly to the south was rezoned to RS 8500 under a formal subdivision, and the single family houses included in the subdivision of this PUD parcel were included in a rezone application with the subdivision. To the north are properties zoned Light Industrial, to the east is King County Residential Zoning, separated by I-405, and to the southwest is RS 8500 Zoning. To the west lies both RS 8500 and RS 35000 Zoning.

- b. Land Use. Phase I is an undeveloped site. Along 116th Ave. NE are single family homes on the north and south sides of the Park. The property to the south was recently developed as a 53 lot residential subdivision. A 20 lot subdivision lies directly to the west. To the north of Phase I lies the remainder of the PUD parcel, the Burlington Northern R.R., and Par Mac Industrial Park. To the east, lies the remainder of the PUD project and I-405.

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II. E. 2. Conclusions .

The proposal is consistent with the densities proposed by the Land Use Policies Plan for each property. The applicant has submitted a Rezone application with this application for Final PUD which would reclassify the property to the density indicated by the LUPP. The site design locates the higher density clusters in the interior of the site, with lower density on the exterior.

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

1. Statements of Fact.

This project must comply with the approved Preliminary PUD, the Kirkland Land Use Policies Plan, and the Kirkland Zoning Ordinance. The applicable sections of the preliminary approval have been referenced throughout this report, and a copy of the Conditions of Approval is included in Exhibit "F".

a. Kirkland Zoning Ordinance. Planned Unit Development.

"Height of buildings may exceed the height limit of the zoning in which the project is located, provided that for each additional one foot of height, the sum of all the minimum yard setbacks shall be increased four feet and provided the view from the surrounding properties is not substantially impaired by the additional height." (Section 23.23.090).

"Construction and Equipment Activities: In areas where noise and vibration from construction activities is an irritant or nuisance to the surroundings, these activities shall be limited to the hours between 7 a.m. and 8 p.m. on weekdays and prohibited on Sundays, unless permission to do so is explicitly granted by the Planning Department in which case, the Police Department shall be immediately notified." (Section 23.36.080).

2. Conclusions.

All applicable sections of the Kirkland Zoning Ordinance and Land Use Policies Plan appear to have been met in the Preliminary P.U.D. approval. The conditions of approval pertinent to Phase I have been satisfied. The height of buildings was to be checked with Final P.U.D., and all elevations are well within height restrictions. The condition regarding hours of construction activity should be reiterated with this final application.

III. APPENDICES: Exhibits "A" through "F" are attached.