

RESOLUTION NO. R- 2782

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT AS APPLIED FOR BY RICHARD GULSTROM AND GARY KAUFFMAN BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SP-80-69 AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received application for a subdivision and preliminary plat of property within a RS 8500 zone and said application having been made by Richard Gulstrom and Gary Kauffman, representing the owners of the real property described in said application; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 concerning environmental policy and 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 throughout the entire review process; and

WHEREAS, the proposal for subdivision and preliminary plat has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of November 20, 1980; and

WHEREAS, the Kirkland Planning Commission, after public hearing and consideration of the recommendations of the Department of Community Development, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the preliminary plat subject to the specific conditions set forth in said recommendation, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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 Department of Community Development File No. SP-80-69 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat is hereby given approval subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.



Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted, shall be attached to and become a part of the evidence of the preliminary approval of said subdivision and preliminary plat to be delivered to the applicant.

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

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following:


- (a) Applicant
- (b) Department of Community Development for the City of Kirkland
- (c) Building and Fire Department of the City of Kirkland
- (d) Department of Project and Construction Management for the City of Kirkland
- (e) Public Services Department of the City of Kirkland
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

PASSED by the Kirkland City Council in regular meeting on the 15th day of December, 1980.

SIGNED IN AUTHENTICATION thereof on the 15th day of December, 1980.

  
MAYOR

ATTEST:

  
Director of Administration and Finance  
(ex officio City Clerk)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE November 20, 1980  
\_\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

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

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

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

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

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

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

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER SP-80-69

APPLICANT Gulstrom and Kauffman

PROPERTY LOCATION S. OF NE 116th ST. AT 115TH PL. N.E.

SUBJECT APPLICATION FOR PRELIMINARY SUBDIVISION OF 33 LOTS

HEARING/MEETING DATE December 15, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Checklist & Declaration "C" Vicinity Map

"D" Proposed Subdivision

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Gary Kauffman and Rick Gulstrom have submitted a Preliminary Subdivision application to divide a 4.8 acre parcel of land into 33 lots with a Tract A for common open space and private roadway. The applicants have applied for modifications to the lot width (Section 2.11.8-d) and the lot area (Section 2.11.8-h) requirements of the Kirkland Subdivision Ordinance. The property is located south of N.E. 116th St. at 115th Pl. N.E. The property is zoned RS 8500. The Land Use Policies Plan has designated the area for low density residential use of 5 units per acre with 1 to 2 units per acre additionally permitted under a PUD process. The applicants have submitted a Preliminary Planned Unit Development application, File PP-80-65, in conjunction with the Preliminary Subdivision application.

Some of the major issues are the modifications to the required lot width and lot area.

B. RECOMMENDATIONS

Based on the major issues, facts, conclusions and Exhibits "A" through "D" contained herein, we hereby recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance, and the Kirkland Subdivision Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances. Section IV Development Standards of this report describes additional requirements of the subdivision. The Final Subdivision must be submitted and approved within one year of the date of preliminary approval.
2. The approved number of lots in the Preliminary Subdivision are subject to and dependent upon the number of units approved for the Preliminary Planned Unit Development (File PP-80-65).
3. The applicants shall meet all Conditions of Approval for the Preliminary Planned Unit Development application (file PP-80-65).

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4. Prior to approval of the Final Subdivision, the applicants shall note on the final plat linen:
  - a. A 40 foot wide greenbelt easement along the north, west and south property lines as required in the Preliminary Planned Unit Development application (see Exhibit "J" of File PP-80-65).
  - b. A 10 foot wide public pedestrian easement across the southeast corner of the property and a public pedestrian easement across the private road and sidewalk as required in the Preliminary Planned Unit Development application (see Exhibit "J" of File PP-80-65).
  - c. A 15 foot wide utility easement from the private road to the southwest property line as required in the Preliminary Planned Unit Development application (see Exhibit "G" of File PP-80-65).
  - d. The "common open space", private road, public pedestrian walkway and entrance planter as common ownership and responsible maintenance of all residents of the Planned Unit Development as required in the Preliminary Planned Unit Development application (see Exhibit "D" of File PP-80-65).
  - e. The number of approved lots corresponding to the number of units approved for the Preliminary Planned Unit Development (see Exhibit "D" of File PP-80-65).
5. The subdivision plat cannot be recorded until final approval is given to the Planned Unit Development.

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. MODIFICATION TO LOT WIDTH (SECTION 2.11.8-d)

#### 1. Statements of Fact

- a. Kirkland Subdivision Ordinance -  
Section 2.11-8(d)

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Width of lots at the building line shall conform to the requirements of the Zoning Ordinance. All lots shall have a minimum width at the street line of 30 feet. (p. 22)

Section 2.13.3

Limitation of authority. The City may only grant a modification if it is consistent with the policies of the Land Use Policies Plan, and the purpose and intent of the Zoning Ordinance and this Ordinance.

b. Kirkland Zoning Ordinance - Section 23.08.050

The minimum lot width at the building line in an RS 8500 zone shall be 70 feet.

c. The Land Use Policies Plan has designated the area for low density residential use at 5 to 7 units per acre (see Exhibit "C").

d. The intent of Section 2.11.8(d) and Section 23.08.050 requiring a minimum 30 feet at building line is to provide adequate width for setbacks and building dimensions of detached residents. The minimum 30 foot width at street line provides space for the driveway and for setbacks from adjacent driveways.

e. The property is located in an RS 8500 zone, but the applicant proposes an increased average density of 1 unit per 6,337 square feet (7 units per acre) (see Exhibits "C" and "D").

f. The applicant proposes 33 lots ranging in width from 28 feet to 42 feet at building line. The lots will subdivide 33 attached residential units into individual ownership. Setbacks between buildings range from 40-75 feet and setbacks between driveways range from 5-18 feet. (See Exhibit "D").

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- g. Subdivision of the proposed Planned Unit Development does not alter the physical conditions on the site, such as setbacks and building dimensions (see Exhibit "D").

2. Conclusions

- a. The modification is consistent with the Land Use Policies Plan. The proposed subdivision is a permitted residential use at 7 units per acre.
- b. The modification is consistent with the purpose and intent of the Subdivision and Zoning Ordinances because the attached dwelling units have adequate open space between structures and between garage driveways.

B. MODIFICATION TO LOT AREA (SECTION 2.11.8-h)

1. Statements of Fact

- a. Kirkland Subdivision Ordinance - Section 2.11.8(h)

In multiple lot subdivisions, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zone district in which the property is located. In computing the average lot area, not more than 10% of the number of lots may contain an area less than prescribed minimum for this zoning district of RS-8500. In no case shall any lot contain less area than 7,650 square feet.

Section 2.13.3

Limitation of authority. The City may only grant a modification if it is consistent with the policies of the Land Use Policies Plan, and the purpose and intent of the Zoning Ordinance and this Ordinance.

b. Kirkland Zoning Ordinance - Section 23.28.110

All such residential projects may propose concepts such as a varied-lot-size subdivision. (p. 51).

c. The intent of Section 2.11.8(h) requiring a minimum lot area in a subdivision is to ensure adequate lot sizes for setback requirements and reasonable building dimensions.

d. The Land Use Policies Plan has designated the area for low density residential use at 5 units per acre with 1 to 2 units per acre additionally permitted under a PUD process. The property is zoned RS 8500 (see Exhibit "C").

e. The applicant proposes to subdivide the property into 33 lots ranging from 1,960 sq. ft. to 2,940 sq. ft. and a Tract A for "common open space" and a private road. The average density including the Tract A area is 6,337 sq. ft. per unit (see Exhibit "D").

f. Subdivision of the proposed Planned Unit Development does not alter the physical conditions on the site such as setbacks and building dimensions (see Exhibit "D").

2. Conclusions

a. The modification is consistent with the Land Use Policies Plan. The proposed subdivision is a 7 lot per acre residential development.

b. The modification is consistent with the Kirkland Subdivision and Zoning Ordinances because adequate open space and setbacks are provided on the site.

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### III. BACKGROUND

#### A. NEIGHBORHOOD

##### 1. Statements of Fact

- a. The property is located in the Juanita Heights area of a single family residential neighborhood. To the west and to the south of the property are low density single family homes (5 units per acre). To the east is a 100 foot wide greenbelt vegetated buffer recorded with the Rezone of American Prefinish. American Prefinish is located at 11615 N.E. 116th St. in a Light Industrial zone. Across N.E. 116th St. to the north are single family homes of King County (see Exhibit "C").
- b. The Land Use Policies Plan has designated the area for low density residential use (5 units per acre), but permits an increased density (7 units per acre) with eight conditions as reviewed in the Major Issues Section of the Preliminary Planned Unit Development application, File PP-80-65).

##### 2. Conclusions.

The proposed subdivision is consistent with the Land Use Policies Plan and will be a transitional use between the single family low density uses to the north, south and west and the Light Industrial use to the east.

### IV. DEVELOPMENT STANDARDS

The following development standards, policies and regulations pertain to the development on the property. However, the list does not include all of the requirements and it is the responsibility of the applicant to assure compliance with all provisions contained in the Land Use Policies Plan, the Kirkland Zoning and Subdivision Ordinances and the Uniform Building Code.

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1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 2.5.5: Tree Cutting Plan ...tree cutting plans for all developments shall be required indicating trees over 6 inches in caliper and indicating which will be cut and which will remain (page 12).

Section 2.6.1(d): Requirements for Approval of Final Plat. All public improvements have been installed and accepted by the City, or in the alternative, a performance bond or security undertaking as permitted by Section 2.12.1 has been filed with the City (p. 12b).

Section 2.9.1(e) Proposed street names and subdivision, blocks and lot names and numbers shall be approved by the Public Services Department (p. 17).

Section 2.9.1(n): Street profiles and cross-sections shall be prepared on standard plan and profile paper and shall indicate the location and sizes of catch basins, culverts, drainage and drainage retention structures, water distribution system, sewage collection system, and shall be submitted for the approval of the City Engineer. All site improvements shall be designed in accordance with adopted standard plans and specifications of the City of Kirkland (p. 18).

Section 2.10.5: Natural features such as trees, ridgelines, hilltops, and views shall be preserved and kept in a natural state to the maximum extent possible (p. 19).

Section 2.11.3(e) When necessary for public convenience and safety, pedestrian ways may be required to facilitate pedestrian access through the subdivision or private facilities (p. 21a).

Section 2.12.3: All subdivisions shall be provided with underground utility lines at the expense of the subdivider ... (p. 25).

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2. Conclusions

- a. The applicants shall stake and rope around the dripline of all trees 6" in caliper or greater located along the edge of the private road designated to be preserved, prior to issuance of a Grading Permit as noted in Condition No. 3.c. of the Preliminary Planned Unit Development application, File PP-80-65 (see Exhibit "D").
- b. Prior to approval of the Final Subdivision, the applicants shall:
  1. Install all public improvements and have them accepted by the City, or submit an approved performance monetary security device to the City of Kirkland.
  2. Note on the final plat linen the private road name or number as approved by the Building and Public Services Departments.
- c. The 40 foot wide vegetated area, a natural feature along the north, west and south property lines, shall be designated a greenbelt easement as noted in Conditions No. 2, 3 and 4 of the Preliminary Planned Unit Development application, File PP-80-65 (see Exhibit "D").
- d. A 10 foot wide public pedestrian walkway from the end of the private road across the southeast corner of the property along the undeveloped 116th Ave. N.E. right-of-way to the cul-de-sac at N.E. 113th Place shall be improved for public convenience and safety as noted in Conditions No. 2, 3 and 4 of the Preliminary Planned Unit Development application, File PP-80-65 (see Exhibits "C" and "D").
- e. The applicants shall provide underground utility lines on the site (see Exhibit "D").

V. APPENDICES - Exhibits "A" through "D" are include as a part of this report.