

RESOLUTION NO. R-2859

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PF-81-66, BY THE POLYGON CORPORATION TO CONSTRUCT 33' ATTACHED RESIDENTIAL DWELLING UNITS TO BE CALLED DEERCROSS BEING WITHIN A RESIDENTIAL SINGLE FAMILY 8,500 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development filed by The Polygon Corporation, the owner of said property described in said application and located within a Residential Single Family 8,500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of July 30, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 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 subject to the specific conditions set forth in said recommendations, 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 the Department of Community Development File No. PF-81-66 are adopted by the Kirkland City Council as though fully set forth herein, except for recommended Condition 8, which is not adopted, and associated Conclusion 11.E.2.b which is also not adopted.

Section 2. The Final Planned Unit Development 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 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 expressly set forth herein.

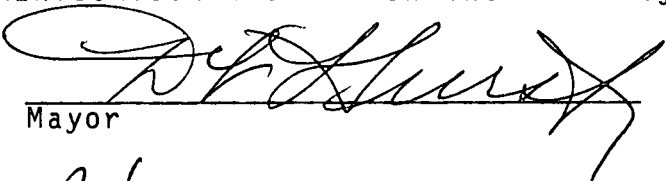
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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) Public Services Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

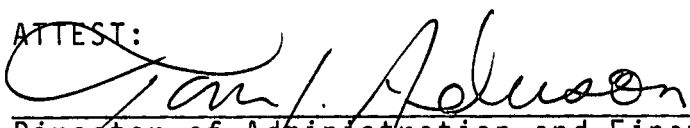
Passed by majority vote of the Kirkland City Council on the 17th day of August, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of August, 1981.



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

6399A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE July 30, 1981
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Carol Goddard
Carol Goddard, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER PF-81-66

APPLICANT THE POLYGON CORPORATION

PROPERTY LOCATION So. of NE 116th St. at approx. 115th Place

SUBJECT FINAL PLANNED UNIT DEVELOPMENT for 33 attached residential dwelling units

HEARING/MEETING DATE August 17, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED See list on reverse

- "A" - Application
- "B" - Engineering Report on Drainage and Storm Retention
- "C" - Vicinity Map
- "D" - Preliminary Approved Site Plan
- "E" - Preliminary Approved Landscape Plan
- "F" - Preliminary Approved Building Elevation
- "G" - Notice of Approval for Preliminary Planned Unit Development
- "H" - Proposed Final Site Plan
- "I" - Proposed Final Landscape Plan
- "J" - Proposed Final Bldg. Elevations
- "K" - Proposed Pedestrian Access Walkway in Right-of-Way
- "L" - Alternative A - Approved Storm Detention Pond
- "M" - Cross Section of Alternative A Detention Pond
- "N" - Alternative B - Proposed Storm Detention Pond
- "O" - Cross Section of Alternative B
- "P1" - Chart of Pond Duration for Alternative A
- "P2" - Chart of Pond Duration for Alternative B
- "Q" - Detention Alternatives, Triad Assoc. Description of
- "R" - Storm Drainage Flow in Juanita Heights Neighborhood
- "S" - Applicant's Request for Grading Permit
- "T" - Greenbelt Easement Document
- "U" - Public Pedestrian Access Easement Document
- "V" - Applicant's Letter 7/30/81 Concerning Storm Drainage
- "W" - Exact Location and Elevations of Natural Drainage in Neighborhood
- "X" - Applicant's Proposed Solution to Drainage Problem

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Polygon Corporation has submitted a Final Planned Unit Development application to construct 33 attached residential dwelling units with a private road, 72 associated parking stalls and common open space on a 4.8 acre parcel of land. The property is located south of Northeast 116th Street at 115th Place Northeast. The Land Use Policies Plan has designated the area for low density residential use at 5 to 7 dwelling units per acre and the site is zoned for single family residential use at a minimum lot size of 8,500 square feet. A Preliminary Planned Unit Development and a Preliminary Subdivision were approved on December 15, 1980 for the subject property. The applicant, who recently purchased the property, has decided not to subdivide the property, but rather, have the dwelling units under a condominium association.

The major issues are compliance with the Conditions of Approval of the Preliminary Planned Unit Development, changes to the site plan, changes to the site's drainage detention system, the request for a grading permit and off-site storm drainage problems.

B. RECOMMENDATIONS

Based on the major issues, facts, conclusions and Exhibits "A" through "X" 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 and the Zoning Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances. Section V, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.
2. The applicant shall meet all conditions in the Notice of Approval for the Preliminary Planned Unit Development application of File Number PP-80-65, except as specifically modified by Conditions 4, 5 and 6b..

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3. The applicant may be issued a Grading Permit before the issuance of the Building Permit if a monetary security device is submitted in an amount sufficient to pay for restoration of the site as determined by the Building Department. The monetary security device will insure that the site is restored to its pre-grading condition.
4. The Notice of Approval Condition a.(4) of the Preliminary Planned Unit Development (File Number PP-80-65) shall be omitted. The applicant does not need to show on the site plan evergreen trees, six feet high and at least ten feet on center in the greenbelt easement area next to the six proposed dwelling units because the buildings have been relocated 6 to 8 feet away from the greenbelt easement.
5. Prior to the issuance of the Building Permit, the applicant shall show on the building permit site plan the exact details for the buildings, landscaping, roadway, open space, tree retention, storm drainage and all other elements as shown on Exhibits "H", "I" and "J". The Department of Community Development is authorized to approve minor adjustments to the locations of the entrance planter and the earthen berms on the north side of the property for retaining the existing vegetation to the maximum extent possible.
6. Prior to issuance of a Certificate of Occupancy Permit, the applicant shall:
 - a. Install the children's play area equipment as shown on Exhibit "I".
 - b. Install the Alternative B storm detention pond, have operable, and have inspected and approved by the Public Services, Building and Department of Community Development Departments. The entire pond area shall be hydroseeded with a thick lawn seed.

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- c. Note on the Final Planned Unit Development site plan and in the recorded condominium association document that the storm detention pond shall be owned and maintained by the residents of the subject property.
7. The City shall obtain the necessary drainage easements from the appropriate property owners. The City shall be responsible for installation of the storm drainage improvements from N.E. 112th Street, across the Obeteck, Young, Beck, Deebach and Secord properties to the southwest corner of the Polygon property. Polygon Corporation shall contribute one-third (1/3) of the total construction costs towards the storm drainage improvements less \$1,500 (already contributed with the engineering construction solution for the storm drainage improvements), and Copperwood and the City shall contribute one-third (1/3) each towards the total cost of construction as shown on Exhibit "X".
8. Prior to issuance of Polygon Corporation's Grading and Building Permits, the storm drainage improvements must be installed as shown on Exhibit "X".

II. BACKGROUND

A. SITE

The property contains 209,151 square feet at 4.8 acres. The property has an average slope of approximately 5 percent to the south. Vegetation on the site is dense and contains a variety of deciduous and coniferous trees. A natural drainage swale flows from the northeast across the property to the southwest corner of the site. The southwest corner of the site is dry most of the year as indicated by the dense vegetation in the area (see Exhibits "D" and "E").

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B. HISTORY OF SITE

On December 15, 1980, the City Council approved the Preliminary Planned Unit Development and the Preliminary Subdivision to construct 33 attached residential dwelling units on the subject property (see Exhibit "G"). On May 7, 1981, the Planning Commission approved an extension of the Preliminary Planned Unit Development permit until December 14, 1981, because of a change in ownership of the subject property. The applicant, Polygon Corporation, purchased the property on April 30, 1981, from Mr. and Mrs. Odom, Mr. Mundt, and Mr. and Mrs. Engel (File Numbers PP-80-65 and SP-80-69).

C. NEIGHBORHOOD

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 (RS-8500). To the east is a 100 foot wide vegetated greenbelt buffer recorded with the Rezone of American Prefinish Company. American Prefinish Company is located at 11615 Northeast 116th Street in a Light Industrial zone. Across Northeast 116th Street to the north are single family homes of King County (see Exhibit "C"). The Land Use Policies Plan has designated the area for low density residential use (5 dwelling units per acre), but permits a medium density residential use (7 dwelling units per acre).

III. MAJOR ISSUES, FACTS, CONCLUSIONS

A. COMPLIANCE WITH THE CONDITIONS OF APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT

1. Statements of Fact

- a. The Notice of Approval for the Preliminary Planned Unit Development outlines 5 conditions that must be met (see Exhibit "G").
- b. Polygon Corporation, the new owner of the property as of April 30, 1981, is proposing the same number of dwelling units with approximately the same site design and building elevations (see Exhibits "H", "I", and "J").

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- c. The applicant has shown on the landscape plan the location, species, caliper, size and on-center spacing of all 6 inch in caliper or greater existing trees and all to-be-planted vegetation on the site; the 3 offset rows of evergreen trees in the greenbelt buffers; earthen berms along the north property line; lawn or sod in the open space recreational areas; vegetation in the entrance planter area; and evergreen shrubs or trees next to the vehicular turn arounds as stipulated in the Notice of Approval Condition 2.a. (see Exhibit "I").
- d. Condition 2.a.(4) of the Notice of Approval is no longer necessary because the applicant proposes to relocate the buildings 6 to 8 feet away from the greenbelt buffer. The intent of requiring evergreen trees to be planted next to the six proposed dwelling units adjacent to the greenbelt easement is to replant trees that are removed during construction. With the increased setback, the evergreen trees are no longer needed (see Exhibit "I").
- e. The applicant has submitted a detailed construction plan of the required pedestrian walkway from the southeastern end of the private road to the southeast corner of the property and across the undeveloped 116th Avenue Northeast right-of-way to the Beverly Place cul-de-sac of Northeast 113th Place as stipulated in Condition 2.a.(8) and 2.g. A 5 foot wide concrete sidewalk and low vegetation on both sides of the walkway are shown as required (see Exhibit "K").
- f. As required in Condition 2.b. of the Notice of Approval, the applicant has shown on the final site plan a 40 foot wide setback buffer along the north, west and south property lines, a 10

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foot wide public pedestrian walkway easement from the southern end of the private road to the southeast corner of the property, the relocation of the detention pond away from the greenbelt, a 5 foot wide concrete sidewalk along the entire east side of the private road, a 5 foot wide gravel walkway along the south side of Northeast 116th Street, a 15 foot wide utility easement from the southwest property line to the proposed sewer location, the average building elevations, a maximum horizontal dimension of 50 feet for each structure located within 100 feet of the south, west or north property lines and the location, square footage of common recreation space, and a play area suitable and safe for children all have been shown on the site plans (see Exhibits "H", "J", "K" and "N").

- g. Greenbelt easement and public pedestrian access easement documents as required in Condition 2.c., d., and e. have been submitted and a note has been written on the site plan stipulating that the common open space, planter islands and private roadway will be owned and maintained by the residents of the property (see Exhibits "H", "T" and "U").
- h. As required in Conditions f., an engineering report has been submitted by Triad Associates examining the possible drainage problem in the southern portion of the property. The report states that the southern portion of the lot has many trees, and this would "suggest that the area is relatively dry during a large portion of the year". Triad Associates concludes that the preliminary storm drainage design submitted to the City is a workable and sound approach to storm water control on this project (see Exhibit "B").

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- i. Conditions 3, 4 and 5 are timed to the Grading, Building and Certificate of Occupancy Permits respectively and are required for both the Preliminary and Final Planned Unit Development (see Exhibit "G").

2. Conclusions

- a. The conditions of the Notice of Approval for the Preliminary Planned Unit Development that require changes to the final site plan have been met. The applicant should meet all remaining conditions for the Preliminary Planned Unit Development as stipulated in Condition 2.
- b. Condition 2.a.(4) for the Preliminary Planned Unit Development is no longer necessary because the existing vegetation in the greenbelt easement adjacent to the proposed dwelling units will not be removed. Therefore, Condition 2.a.(4) is voided as stipulated in Condition 4 of the Final Planned Unit Development.
- c. Triad Associates' engineering report concludes that the southwest portion of the site is dry during most of the year and that a storm detention system will contain the natural drainage flow across the site.
- d. The children's play area should be installed prior to the issuance of a Certificate of Occupancy permit as stipulated in Condition 6.(a) of the Final Planned Unit Development.

B. CHANGES TO THE APPROVED SITE PLAN

1. Statements of Fact

- a. The applicant is the new owner of the property and proposes seven minor changes to the design of the site (see Exhibit "A").

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- b. The proposed changes, numbers 1 through 5, reduce the size of the buildings, cluster the buildings closer together, move the buildings farther away from adjacent properties, reduce the amount of required grading, preserve more trees on the edge of the greenbelt, allows for a natural recontouring of the property and require less rockery installation (see Exhibits "A", "D", "H" and "J").
- c. The proposed change number 6 relocates the planter entrance slightly to the south, thus saving more trees (see Exhibits "H", "E", and "I").
- d. The proposed change number 7 has been requested by the Public Services Department to provide the correct location of a sewer easement for the lot to the west (see Exhibits "A", "D" and "H").
- e. Until actual site construction begins, the applicant is not sure of the exact appropriate locations of the entrance landscape planter or the earth berms along the north property line. The applicant requests that the Department of Community Development upon site inspection be authorized to approve minor alterations to the locations of the landscape planter and the earth berms to insure that maximum vegetation is retained.

2. Conclusions

- a. The proposed seven changes to the site plan are minor in nature and produce a better all around design. The visual impact of the Planned Unit Development will be reduced on adjacent properties because the buildings will be reduced in size and will be further away from adjacent properties.

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- b. Relocating the proposed dwelling units away from the greenbelt easement voids the necessity of replanting along the border of the greenbelt easement as required in Condition 2.a.(4) of the Preliminary Planned Unit Development.
- c. The Department of Community Development should be authorized to approve minor alterations to the locations of the entrance planter and the earth berms along the north property line for preserving the existing vegetation to the maximum extent possible as stipulated in Condition 5.

C. CHANGES TO THE SITE'S DETENTION SYSTEM

1. Statements of Fact

- a. Ordinance No. 2430 relating to water runoff and pollution during construction requires that storm drainage runoff be retained at pre-development levels.
- b. A natural drainage swale flows through the neighborhood from Northeast 116th to Northeast 112th Street across the subject property. There are catch basins east of 112th Avenue Northeast on both sides of Northeast 112th Street. The Public Services Department is planning to correct the on-site storm drainage problems that exist along Northeast 112th Street to the south of the subject property (see Exhibit "R").
- c. A drainage swale flows from the north across the southern portion of the site. There is no defined stream across the property, but rather a natural drainage course (see Exhibits "B" and "H"). The southwest corner of the site is wet during a portion of the year.

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- d. Alternative A is the approved storm detention pond. The pond is 50 percent above ground and 50 percent below ground with the pond located adjacent to the southwest building complex (see Exhibits "D", "L" and "M").
- e. The applicant proposes Alternative B, a storm detention pond that is 100 percent above ground. The pond gently slopes 2 percent to the center with the water flowing to a 3 foot wide concrete swail and then is carried to a controlled outlet structure in the southwest corner of the pond. The pond will be covered with lawn material. The pond will be dry most of the year, except for a few minutes in a storm (see Exhibits N, O and Q).
- f. Alternatives A and B and compared in the following chart:

<u>ISSUES</u>	<u>APPROVED ALTERNATIVE A</u>	<u>PROPOSED ALTERNATIVE B</u>
Total Holding Volume Capacity	3,750 cf	23,000 cf
Post Development Runoff	Pre-development level maintained for 25 year storm	1/2 of pre-development level maintained for 25 year storm
Water in Pond	No water except a small amount for a few minutes in a 100 year (major) storm (see Exhibit "P-1")	No water except a small amount for a few minutes for a 2 (minor) to 100 year (major) storm (see Exhibit "P-2")
Cost	-	\$25,000 less that Alternative A

- g. The Public Services Department recommends approval of Alternative B because it will reduce storm drainage runoff from the property, retain additional storm drainage runoff from Northeast 116th Street and release the runoff from the site at a lower rate that exists.

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- h. Maintenance of the proposed Alternative B storm detention pond will be done by hand and will be available at the control structure in the southwest corner of the pond. It will be the responsibility of the Planned Unit Development homeowners to have the retention pond maintained (see Exhibit "N").
- i. Hydroseeding the pond with a thick lawn seed will be easily maintained and will provide open space for recreation (see Exhibit "N").
- j. Other 100 percent above ground detention ponds have been approved in the past, such as the Hogue PUD on N.E. 116th St., the Yarrow Hill PUD in Houghton and the Frick CUP complex on 2nd Avenue South.

2. Conclusions

- a. The proposed Alternative B should be installed instead of Alternative A because it reduces predevelopment storm drainage runoff, detains some of the natural drainage coming from Northeast 116th Street and reduces the costs of the units.
- b. Other developments have been approved with detention ponds.
- c. To insure proper design and landscape of the detention pond, the Public Services, the Building and the Department of Community Development Departments should inspect and approve the pond prior to the Certificate of Occupancy permit for any dwelling unit as stipulated in Condition 6.(b). The detention pond should be hydroseeded with a thick lawn seed for easy maintenance and recreational use.
- d. To clarify maintenance responsibility, the applicant should note on the recorded Planned Unit Development condominium document that it is the responsibility of the condominium association to maintain the detention pond as stipulated in Condition 6.(c).

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D. REQUEST FOR A GRADING PERMIT

1. Statements of Fact

- a. The applicant requests the issuance of a Grading Permit prior to the issuance of a Building Permit so that construction can be completed on the site before the normal rainy season begins. Polygon Corporation has stated that they are committed to completing the project (see Exhibit "S").
- b. The site has an average slope to the south of 5 percent. The required roped and staked greenbelt easement will preserve all trees within 40 feet of the north, west and south property lines. Other trees on the site are also planned to be retained as noted on the Landscape Plan (see Exhibits "H", "I" and "J").
- c. The issuance of Grading Permits prior to the issuance of Building Permits have been approved in the past for various projects.
- d. The Building Department requires a monetary security device be deposited with the City of Kirkland in an amount sufficient to pay for restoration of the site to pre-grading conditions.

2. Conclusions

To avoid grading during the rainy season, the applicant should be granted a Grading Permit prior to the issuance of a Building Permit. A monetary security device should be deposited in an amount as determined by the Building Department as stipulated in Condition 3.

E. OFF-SITE STORM DRAINAGE PROBLEMS

1. Statements of Fact

- a. Site inspection by City employees has shown that Copperwood drainage is inadequate and not functioning.
- b. The City has already determined that N.E. 112th Street system needs upgrading and are to proceed.

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- c. Polygon acknowledges that they do have drainage coming from American Pre-Finish and that there is a substantial storm water drainage that is going to go off their property even if they do not develop it.

2. Conclusions

- a. Therefore, (it is concluded) that the system and the testimony from the neighbors indicating that the recent rainfall in the last week during our summer months indicates flood conditions are damaging private property.
- b. Therefore, (it is concluded that) the system must be in place in the entirety from N.E. 112th St. to the Polygon property before any development can occur that would increase the amount of runoff regardless of the rate as outlined in Conditions 7 and 8 (see Exhibit "X").

IV. STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A. STATEMENTS OF FACT

In conjunction with the Preliminary and Final Planned Unit Development applications, an Environmental Checklist was submitted and a Final Declaration of Non Significance was made on April 16, 1981 from the Responsible Official.

B. CONCLUSIONS

The applicant has complied with the requirements of SEPA. Due to the Declaration of Non-Significance, an Environmental Impact Statement is not required for the proposed project.

V. DEVELOPMENT STANDARDS

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

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A. Statements of Fact

1. The Preliminary Planned Unit Development (File Number PP-80-65) lists various requirements and regulations from the City departments and in the Kirkland Zoning Ordinance.
2. Kirkland Zoning Ordinance

Section 23.28.160 - Procedure of Approval:

Major changes, revisions or additions to an approved and established Planned Unit Development shall be reviewed as described and fully processed as a new project (Page 57).

Section 23.28.170 - Major Adjustments of Plans:

In issuing building permits in connection with the construction of Planned Unit Development, the Building Department may make minor adjustments involving the location or dimensions of buildings, provided such adjustment shall not increase the total amount of floor space authorized in the Planned Unit Development, nor the number of dwelling units, nor decrease the amount of parking or loading facilities, nor permit buildings to locate closer to any boundary line, nor change any points of ingress or egress to the site.

B. Conclusions

1. The applicant must meet all of the development standards including those addressed in the Preliminary Planned Unit Development report.
2. The applicant must construct the exact site plan as shown except for minor modifications that can be approved by the Building Department.

VI. APPENDICES

Exhibits "A" through "X" are attached as part of this report.

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