

RESOLUTION NO. R-2677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT OF "HEATHER BROOK" AS APPLIED FOR BY FRED BURNSTEAD, FINER HOMES, INC., BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-SUB-79-90(P) 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 Single Family Residential 8,500 zone and said application having been made by Fred Burnstead, Finer Homes, Inc., the owner of the real property described in said application; and

WHEREAS, said application has been assigned Department of Community Development File No. P-SUB-79-90(P); and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 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 October 18, 1979; 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 recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council 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. P-SUB-79-90(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat of "Heather Brook 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.

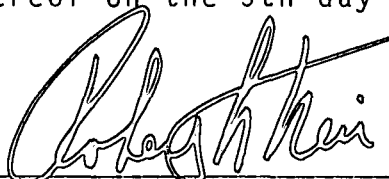
Section 4. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances, or regulations applicable to this subdivision other than as expressly set forth herein.

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 for the City of Kirkland.
- (d) Department of Project and Construction Management for the City of Kirkland
- (e) Public Service Department for 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 5th day of November, 1979.

SIGNED IN AUTHENTICATION thereof on the 5th day of November, 1979.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

XXX RECOMMENDED BY \_\_\_\_\_ DATE October 18, 1979

ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

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

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

XXX PLANNING COMMISSION Kay Haenggi  
Kay Haenggi, Chairwoman

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

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

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER P-SUB-79-90(P)

APPLICANT FINER HOMES (Fred Burnstead)

PROPERTY LOCATION So. side 116th St., at approx. 112th Ave. N.E.

SUBJECT PRELIMINARY SUBDIVISION OF "HEATHER BROOK"

HEARING/MEETING DATE November 5, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vcinity Map "C" Site Plan "D" Revised Site Plan "E" Letter from Eric Anderson, Plant & Facilities Dept., Lake Wa. School Dist., "F" No Protest Agreement "G" Environmental Checklist "H" Traffic "I" Count Map "I" Tree Retention

I. SUMMARY:

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for Preliminary Subdivision to divide a 4.17 acre parcel into 17 single-family residential lots in an RS 8500 zone. The applicant is Fred Burnstead of Finer Homes, Inc. and the property is located at the south side of 116th St. and approximately 112th Ave. N.E. The property has been designated in the Land Use Policies Plan as a low density residential at 5 developments per acre. (See Exhibit "B" - Vicinity Map and Exhibit "C" - Site Plan).

Some of the major issues are: a pedestrian walkway to an elementary school, tree retention, street tree planting, traffic and a planter area.

B. RECOMMENDATIONS:

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

1. This application is subject to the various requirements contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance, the Kirkland Subdivision Ordinance and the Uniform Building Code. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Any major changes, revisions or additions, constituting a departure from the approved site plan submitted by the applicant or developer shall be fully processed by the Planning Commission and the City Council in the same manner as a preliminary subdivision application.
3. Prior to approval of the Final Subdivision, the applicant shall:
  - a. Designate on the final plat linen a 5 foot concrete sidewalk along the entire cul-de-sac to the southwest corner of Lot 5. (See Exhibit "D").
  - b. Install a 5 foot concrete sidewalk along the west side of 112th Place N.E. and along the entire cul-de-sac.
  - c. Install a 10 foot wide pedestrian right-of-way from the south property line across Lots 10 and 11. There shall be a concrete walkway with bollards at each end, 6 foot high cyclone fences on each side and pyramidalis planted 3 feet on center along the outside of the entire length of the fence as approved by the Department of Community Development. The pedestrian right-of-way shall link up

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I. B. 3. c. (Cont'd)

- with the sidewalk in the cul-de-sac. (See Exhibits "D" and "E").
- d. Reduce the planter area so that there are 25 feet between the curb and the planter area on the east and west side.
  - e. Install a gravel walkway along N.E. 116th Street as required by the Public Service Department.
4. With the Final Subdivision application, the applicant shall sign and submit a No Protest Agreement for any future LID. (See Exhibit "F").
  5. On the final plat linen, the applicant shall dedicate the pedestrian walkway to the City and designate the area as Tract "A".
  6. On the final plat linen, the planter area shall be designated as owned and maintained by lot owners in the subdivision.
  7. Prior to issuance of a Grading Permit, the applicant shall install tree protection measures as approved by the Department of Community Development for the trees designated on the plat linen for retention. (See Exhibit "I").
  8. The planter area shall be landscaped and prior to the issuance of the Building Permit, the applicant shall submit a landscaping plan to the Department of Community Development for their approval.
  9. The 5 10"-12" in caliper Cottonwoods located on Lots 1 and 7 shall be saved and designated as such on the tree retention plan. (See Exhibit "I").
  10. Prior to any building occupancy, the applicant shall:
    - a. Plant 1½ - 2½ " in caliper Norway maples (street trees), approximately 30 feet on center on the lots along 112th Place N.E. (See Exhibit "D") as approved by the Parks Department.
    - b. Plant an approved landscaping in the planter island.
  11. Prior to approval of the Final Subdivision, the applicant shall deposit a landscaping performance bond for the street trees and planter area as determined by the Department of Community Development.
  12. Prior to approval of the Final Subdivision approval, the applicant shall name the street 112th Pl. N.E. and designate the street name on the final plat linen.
  13. Prior to issuance of a Grading Permit, the applicant shall install concrete rings or other approved tree protection measures around the 5 Cottonwood trees.

## II. MAJOR ISSUES, FACTS, CONCLUSIONS

### A. Pedestrian Walkway

#### 1. Statements of Fact.

The proposed development is directly north of Alexander Graham Bell Elementary School. Children living around N.E. 116th St. walk down 120th Ave. or through 110th Ave. N.E. to get to the elementary school. In the Land Use Policies Plan, there is a special concern for the safe movement of children to and from school (p. 366). Section 2.11.3(e) of the Kirkland Subdivision Ordinance states that "when necessary for public convenience and safety, pedestrian ways may be required to facilitate pedestrian access through a subdivision."

#### 2. Conclusions.

A pedestrian walkway installed on the 10 foot utility easement in the southern section of the property between lots 10 and 11 would provide safe and convenient movement for school children coming from the area around N.E. 116th Street.

### B. Tree Retention

#### 1. Statements of Fact.

The property has several substantial landmark trees bordering N.E. 116th Street and in the center of the site. There are five (10-12" in diameter) Cottonwood trees along the north property line and a large Ponderosa Pine and four Douglas Fir in the center of the property. The site also contains a row of Poplars, Mountain Ash, fruit trees and Locust. All along N.E. 116th St. there are numerous rows of landmark trees. The neighboring area contains substantial vegetation and open fields.

Kirkland Subdivision Ordinance Section 2.10.5 provides that "natural features such as trees shall be preserved and kept in a natural state to the maximum extent possible."

To level the building sites on Lots 1 and 17, the applicant plans to place fill around the 5 Cottonwoods.

#### 2. Conclusions.

Five Cottonwoods along N.E. 116th St. should be preserved if possible. The Pine tree will be removed to put in the street. To protect the trees, tree retention measures should be taken prior to the issuance of a Building Permit. In particular, concrete rings should be installed around the Cottonwoods to protect the bark from filling and grading. All other vegetation should be retained if possible.

II. C. Street Tree Planting

1. Statements of Fact.

In the Environmental Checklist, the applicant states that over 50% of the site shall be covered with homes and road. Thus, there will not be substantial vegetation on the site. (See Exhibit "G").

As part of public improvements, the City of Kirkland has recently been requiring street trees along public right-of-ways and side streets. The Parks Department recommends that street trees be planted down 112th Pl. N.E.

2. Conclusions.

Planting street trees along 112th Pl. N.E. would significantly promote natural site design, increase area vegetation, provide sun shade, block winds and continue the public improvement project. Long-term public benefits obtained from the street trees would outweigh the applicant's cost of planting the trees.

D. Traffic

1. Statements of Fact.

N.E. 116th St., designated as a second arterial in the Land Use Policies Plan, serves all the north-south feeder streets in the Juanita Heights area.

Traffic Count for N.E. 116th St. from 100th to 120th Ave. N.E.

	+9.5%	+1%	+19%
*Present Traffic 8,586 cars a day	Present + -Approved Site Traffic 9,059 cars a day	Present + Approved Site + Proposed Subdivision Traffic 9,229 cars a day	Future Maximum Single Family Density Traffic 10,783 cars a day

\*Present Traffic count is based on pre-bridge closeout figures.  
-Approved Sites include Hogue, Shangri-La and Juanita Bay Associates

II. D. 1. (Cont'd)

The area north of N.E. 116th is in King County. Traffic generation for this neighboring area is approximately 1,950 cars per day. There is some undeveloped land along N.E. 116th that could be developed and generate additional traffic.

In the foreseeable future, the Public Service Department will not be making any improvements along N.E. 116th Street.

2. Conclusions.

The proposed subdivision will only increase traffic on N.E. 116th St. by 1%. Once the N.E. 116th Street bridge is repaired and normal traffic flow is resumed on the arterial, the proposed subdivision should not cause a dramatic increase in traffic. However, as the neighborhood is developed to its maximum density, the future traffic flow on N.E. 116th may become a problem.

E. Planter Area.

1. Statements of Fact.

The planter area in the cul-de-sac is presently designed with approximately 22 foot distance from the planter to the east curb and the west curb. The planter area is 70 feet long (east-west) and 30 feet wide (north-side) with approximately 22 feet from the north and south curbs.

The Fire Department has recommended that the curb be reduced on the west side to allow the fire trucks around the cul-de-sac. Disregarding the NO PARKING signs, cars are often parked along cul-de-sacs and block the turn-around area. The Police Department has recommended that the planter area be removed from the plan. They feel that a planter area is a safety hazard for children playing in the area.

2. Conclusions.

The planter area should be reduced on all sides to have a 25 foot distance between the curb and the planter area. The newly-designed planter area would allow a car to pass a car parked in the cul-de-sac.

The planter area is advantageous in that it increases the pervious surface on the property and adds to the vegetation and natural site design.

The Department of Community Development does not feel that the planter area, if heavily vegetated and maintained, will be a safety hazard for children.

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## II. F. Street Name

### 1. Statements of Fact

In accordance with the grid system, the Building Department has recommended that the street in the proposed subdivision be named 112th Place N.E.

### 2. Conclusions

The street in the proposed subdivision should be named 112th Place N.E.

## III. BACKGROUND

### A. NEIGHBORHOOD

#### 1. Statements of Fact.

a. Area. The property is located in the Juanita Heights area which is predominantly a single family residential section in Kirkland. To the east and west of the property, there are single family homes and an open field. To the south exists the Alexander Graham Bell Elementary. Across the street from the property are single family homes and pasture land of King County.

#### b. Vehicular Circulation.

At the north boundary of the property, vehicular circulation patterns in the Juanita Heights area are well established along N.E. 116th Street. The N.E. 116th St. bridge over I-405 is presently closed and traffic is being re-directed south on N.E. 112th Street.

#### c. Citizen Input.

A number of residents in the area expressed their concerns related to storm drainage running south from the proposed subdivision across A. G. Bell Elementary to their properties along N.E. 112th Street.

Douglas Marich and Charles Bruil, two adjacent property owners to the west, expressed their concerns related to storm drainage overflow along N.E. 116th St. and possible flooding of their properties. Both property owners have septic tanks and flooding could lead to sanitary problems.

III. A.

2. Conclusions.

The proposed subdivision maintains the low residential density indicated by the Kirkland Zoning Ordinance and the Land Use Policies Plan.

The secondary arterial at N.E. 116th St. is adequate to handle the relatively moderate increase in traffic flow.

When the applicant submits a storm retention plan with the Final Subdivision application, the Public Service Department will review the plan for adequate retention structures. At that time, the Public Service Department will also examine the storm drainage system along N.E. 112th St. and N.E. 116th St. for adequate capacity and flow.

The developer representing the applicant said that he is willing to discuss with the two adjacent property owners a possible hookup of their sewage systems to the proposed subdivision's system. (See Exhibit "J" - Planning Commission Minutes).

B. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Vegetation. The northern property is densely vegetated with Cottonwood trees and other deciduous materials. There is a large ponderosa Pine, four Douglas firs and several fruit trees in the center of the property. Along the west side of the property, there are poplars and Mountain Ash. In the southern section, there is a grassy field.

IV. ALTERNATIVES

1. Statements of Fact.

- a. No action. This alternative would retain the property as undeveloped land with a vacated house, cottage, shed and dirt driveway.
- b. Maximum development. Under a Planned Unit Development, the applicant could propose a 5-unit per acre development as provided in the Land Use Policies Plan. With 4.17 acres, the applicant could plan a 20-unit residential P.U.D.
- c. Reduce number of lots. The applicant could reduce the number of lots in the subdivision to increase the open space and setback areas and to reduce the generation of vehicular traffic on N.E. 116th Street,

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## V. 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 & Subdivision Ordinance and the Uniform Building Code.

### 1. Statements of Fact.

#### a. Land Use Policies Plan

The following policies address the Juanita Heights area, and the subject property.

Page 352: The low density residential character is to be maintained.

Page 364: During development, tree cutting should be minimized.

Page 365: New developments are to have public services adequate to meet the requirements of designated land uses for the area in operation.

Page 366: Provisions for a pedestrian/bicycle way must be included within the right-of-way.

Page 366: Figure 42 for this area does not include sidewalks and other lesser elements of the path system. Of special concern is the safe movement of children to and from the neighborhood elementary school.

#### b. Kirkland Subdivision Ordinance.

Section 2.5.5: Tree cutting plans for all developments shall be prepared indicating trees over 6" in caliper and indicating which will be cut and which will remain.

Section 2.5.9(b): In lieu of the dedication of open space area to the City of Kirkland, the platter may be required by the City to deposit in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money not less than 10% of the assessed valuation of the entire subdivision, or \$200 per new dwelling unit, whichever is greater.

V. 1. b. (Cont'd)

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

Section 2.1.1(h): 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 designated in accordance with adopted standard plans and specifications of the City of Kirkland.

Section 2.10.5: Natural features such as trees shall be preserved and kept in a natural state to the maximum extent possible.

Section 2.11.3(d): Streets shall be improved in accordance with the requirements of Standard Plans and Specifications of the City of Kirkland. In certain cases, modifications necessary for the preservation of trees may be considered in the Variance provisions of Section 2.13.

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.

Section 2.11.8(d): All lots shall have a minimum width at street line of 30 feet.

Section 2.11.8(g): Corner lots for residential use shall be platted wider than interior lots to provide the front yard requirements on the side street as prescribed by the Zoning Ordinance.

Section 2.11.9(h): The average lot area shall not be 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 8,500 square feet. In no case shall any lot contain less area than 7,650 square feet.

Section 2.11.9(a): Sidewalks shall be provided on both sides of all arterials adjoining the subdivision.

Section 2.11.9(d): Off-street walkway systems and urban trails may be considered in lieu of sidewalks required by this Section by the Planning Commission.

Section 2.12.3: All subdivisions shall be provided with underground utility lines at the expense of the subdivider or developer in accordance with the serving utility's current standards and specifications.

V. 1. c. Kirkland Zoning Ordinance

Section 23.08.050: The minimum lot width at the building line shall be 70 feet in width.

2. Conclusions.

- a. The proposed subdivision is consistent with the Land Use Policies Plan provision of maintaining the single family character of the Juanita Heights area.
- b. With the grading permit, the applicant should submit a tree retention plan for all trees of 6" in caliper or greater. The plan must designate which will be removed and which will be retained for review and approved by the Department of Community Development.
- c. Prior to issuance of the Final Subdivision, the applicant shall install a fire hydrant on the north end of Lot 13 and adjacent to 112th Place N.E. as designated by the Fire Department (See Exhibit "D"), and insure that the fire hydrant be charged and fully operational with a minimum fire flow of 1500 gpm.
- d. Prior to any building occupancy, the applicant shall provide: "NO PARKING - FIRE LANE" signs along the entire cul-de-sac and on (1) side of 112th Pl. N.E. to N.E. 116th with the location and type approved by the Fire Department.
- e. The sidewalk along the west side of 112th Place N.E. and around the cul-de-sac and the pedestrian walkway across the 10 foot utility easement between lots 10 and 11 will provide a pedestrian/bicycle way and offer safe movement of children to and from A.G. Bell Elementary School.
- f. Prior to approval of Final Subdivision, the applicant shall submit funds to the Fee-in-lieu of open space account of either \$200 per newly created lot or 10% of the assessed valuation of the entire property, whichever is greater. A statement of assessed valuation from the King County Comptroller's office should be submitted with the payment of the fee-in-lieu funds.
- g. Prior to approval of the Final Subdivision, the applicant shall redesign the plat so that Lots 1 and 17 are wider than interior lots to provide the front yard requirements on the side street.

- V. 2. h. All utilities should be undergrounded at the developer's expense to meet the standards and specifications of the serving utility.
- i. Storm retention plans shall be submitted with the Final Subdivision application.
- j. Upon acceptance of the staff's recommendations as Conditions of Approval for the Preliminary Subdivision, the applicant would then meet all of the required provisions.

VI. APPENDICES:

Exhibits "A" through "J".

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