

RESOLUTION NO. R - 2775

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF HEATHERBROOK BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SF-80-68 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Heatherbrook was approved by Resolution No. R-2677; and

WHEREAS, thereafter the Department of Community Development received an application for approval of subdivision and final plat, said application having been made by Robert Stewart of Greacen Construction, the owner of the real property described in said application, which property is within a Residential Single Family 8,500 zone; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473, as amended, 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 made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Community Development did make certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation.

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 Director of the Department of Community Development, filed in Department of Community Development File No. SF-80-68, are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of Heatherbrook is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

- (a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Services in accordance with the requirements therefor in Ordinance No. 2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements, within one

year from the date of passage of this Resolution. No City official, including the Chairperson of the Planning Commission, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Services as to amount and form.

Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall 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:

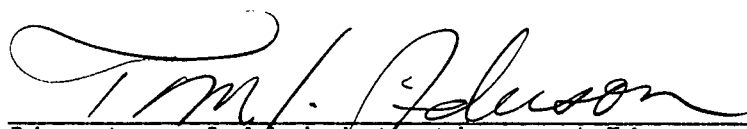
- (a) Applicant
- (b) Department of Community Development for the City of Kirkland
- (c) Fire and Building Department of the City of Kirkland
- (d) Public Services Department for the City of Kirkland
- (e) Project and Construction Management Department of the City of Kirkland
- (f) Office of the Director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

PASSED in regular meeting of the Kirkland City Council on the 17th day of November, 1980.

SIGNED IN AUTHENTICATION thereof on the 17th day of November, 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

XX PREPARED BY _____ DATE October 30, 1980
____ RECOMMENDED BY _____ DATE _____
____ ADOPTED BY _____ DATE _____

XX STAFF _____
____ BOARD OF ADJUSTMENT _____
____ HOUGHTON COMMUNITY COUNCIL _____
____ PLANNING COMMISSION _____
____ CITY COUNCIL AS INCORPORATED IN _____
____ RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

Gerald F. Link

Gerald F. Link, Director

FILE NUMBER SF-80-68
APPLICANT Robert G. Stewart, Greacen Construction, Inc.
PROPERTY LOCATION South of NE 116th St. at proposed 112th Pl. N.E.
SUBJECT FINAL SUBDIVISION OF "HEATHERBROOK"
HEARING MEETING DATE November 17, 1980
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Final Plat Linen
"D" Preliminary Subdivision Site Plan

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL

Robert Stewart of Greacen Construction has applied for the Final Subdivision to divide 4.17 acre parcel into 17 single family lots in an RS 8500 zone. The property is located at N.E. 116th St. and 112th Pl. N.E. The property has been designated in the Land Use Policies Plan for a low density residential use at 5 lots per acre. The Preliminary Subdivision called Heatherbrook was approved on November 5, 1979 by Resolution R-2677 (File No. P-SUB-79-90(P)).

The major issues are removal of the 5 Cottonwood trees, minor modifications for pedestrian access to the school, and compliance with the Preliminary Subdivision conditions of approval.

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, 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 new Final Subdivision application.
3. A 4 foot high, partially open cedar fence shall be installed next to the concrete walkway on Tract A, instead of a 6 foot high cyclone fence as noted in Condition No. 3.c. of the Preliminary Subdivision (see Exhibit "C").

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4. Remove the 5 10" - 12" in caliper Cottonwoods located on Lots 1 and 17 and plant 2 1/2" - 3" in caliper London Plane street trees approximately 30 feet on center along the edge of Lots 1 and 17 along N.E. 116th. Condition No. 9 of the Preliminary Subdivision shall be deleted (see Exhibit "D"). A two-year maintenance bond shall be submitted for the London Plane and Norway Maple street trees once the improvements for the performance bond have been completed.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. REMOVAL OF THE 5 COTTONWOOD TREES

1. Statements of Fact

- a. There are 5 Cottonwood trees on Lots 1 and 17 (see Exhibit "D").
- b. Preliminary Subdivision approval required the retention of the 5 Cottonwood trees as stipulated in Condition 9.
- c. The City Council, upon approving the Preliminary Subdivision on November 5, 1979, asked that the advisability of retaining the 5 Cottonwood trees be reviewed before approval of the final plat.
- d. The Parks Department sent a letter to the Department of Community Development on November 7, 1979 concerning the retention of the Cottonwood trees. The Parks Department recommended that the Cottonwood trees be replaced by a 2 - 2 1/2" in caliper shade tree 30 ft. on center for three reasons:
 - (1) Cottonwoods are brittle, dirty trees that lend little to the site. Their age is such that they are deteriorating.
 - (2) The area where the trees are located will be filled which will kill the trees unless rock wells are placed around them.

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(3) When sidewalks are placed along 116th Ave. N.E., Cottonwoods will be a problem for the sidewalks because the trees will break up the concrete.

e. The Preliminary Subdivision of Copperwood, located to the east of the site, was approved on April 7, 1980 (File P-SUB-79-127). The applicant was required to plant 2 1/2" - 3" in caliper London Planes 30 ft. on center, along N.E. 116th Avenue N.E. on Lots 1 and 18 (see Exhibit "D").

2. Conclusions

The 5 Cottonwood trees shall be removed and be replaced with 2 1/2" - 3" in caliper London Plane trees 30 feet on center along N.E. 116th Ave. on Lots 1 and 17 to avoid the problems as noted in the Parks Department letter. The London Plane street trees will provide a vegetated buffer from traffic on N.E. 116th Ave., continue the street tree improvement consistent with the Copperwood Subdivision site, add value to the property and block wind from the north. Condition No. 9 of the Preliminary Subdivision shall be deleted.

B. MINOR MODIFICATIONS FOR PEDESTRIAN ACCESS TO THE SCHOOL

1. Statements of Fact

- a. The Preliminary Subdivision approval required a 6 foot high cyclone fence on each side of the pedestrian walkway on Tract A as stipulated in Condition No. 3.c. (see Exhibit "D").
- b. Other developments in the City of Kirkland have 4 foot high cedar fences installed on the pedestrian walkways and not cyclone fences, such as Kirkwood Manor I and II.

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- c. The Parks, Public Service and Community Development Departments recently reviewed pedestrian walkway improvements and determined that cedar fences should be the continued type of fence installed on pedestrian walkways. Cedar fences are more compatible with the typical fencing improvements found in residential zones than are cyclone fences. Cyclone fences appear more institutionalized and cost the same amount to maintain as cedar fences. Partially opened fences provide openness, allow in light and avoid the narrow walled-in effect that occurs in solid wall, wood fences.
- d. The Preliminary Subdivision of Copperwood, located directly east of the subject property, received preliminary approval on April 7, 1980 with plans for a pedestrian walkway to Alexander Graham Bell School to the south. However, the Copperwood Subdivision does not abut directly next to the Alexander Graham Bell School, but rather meets only at the northeast corner of the school site (see Exhibits "B" and "D").
- e. The owner of the proposed Heatherbrook Subdivision sent a letter to the City of Kirkland on March 6, 1980 indicating his intention of dedicating to the City a 10 ft. by 20 ft. triangular shaped parcel of land in the southwest corner of the property for pedestrian access from the Copperwood Subdivision to the school (see Exhibit "C").
- f. The final plat linen of Heatherbrook shows a Tract B dedicated to the City of Kirkland for pedestrian access from the Copperwood Subdivision to the school as promised in the March 6, 1980 letter (see Exhibit "C").
- g. Preliminary approval of the Copperwood Subdivision required the improvement of Tract B on the Heatherbrook site to be the responsibility of the owner of the Copperwood site (see Exhibit "C").

2. Conclusions

- a. The applicant shall install a 4 foot high, partially open cedar fence next to the concrete walkway on Tract A, instead of a 6 foot high cyclone fence as noted in Condition No. 3.c. of the Preliminary Subdivision.
- b. The applicant has provided the needed pedestrian walkway linking the Copperwood Subdivision walkway to Alexander Graham Bell School.

C. COMPLIANCE WITH THE PRELIMINARY SUBDIVISION CONDITIONS OF APPROVAL.

1. Statements of Fact

- a. The applicant has shown on the final plat linen a 5 foot concrete sidewalk along the entire cul-de-sac to the southwestern corner of Lot 5, has submitted a performance bond on October 20, 1980 for the sidewalk, Tract A improvements and the gravel walkway along N.E. 116th Street, and has shown a reduced cul-de-sac planter area on the construction plans as required in Condition of Approval No. 3 (see Exhibits "C" and "D").
- b. The applicant has signed and submitted a "No Protest Agreement" for any future LID on October 6, 1980 as required in Condition of Approval No. 4.
- c. The pedestrian walkway has been dedicated and shown as Tract "A" on the final plat linen as stipulated in Condition No. 5 (see Exhibit "C").
- d. The planter area in the cul-de-sac has been designated on the final plat linen to be maintained by the owners of Lots 5 through 12 as stipulated in Condition 6 (see Exhibits "C" and "D").

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- e. The applicant installed stakes and construction tape around the base of the trees designated for retention before the issuance of the Grading Permit as required in Condition No. 7 (see Exhibit "D").
- f. The applicant has submitted and received approval for the planter landscaping plan and has bonded for the improvements on October 20, 1980 as required in Condition of Approval No. 8 (see Exhibit "D").
- g. The 5 10" - 12" in caliper Cottonwoods, located in Lot 1 and 17, shall be removed as noted in Condition No. 4 of the Final Subdivision. Condition No. 9 of the Preliminary Subdivision to save the 5 Cottonwood trees shall be deleted (see Exhibit "D").
- h. The applicant has shown on the construction plans 27 Norway Maple street trees and has submitted a performance bond on October 20, 1980 for the trees as required in Conditions No. 10 and 11.
- i. The applicant has paid into the Fee-in-Lieu of Open Space account on March 16, 1980 the amount required in the Development Standard No. 2.f. (Receipt No. 32979).

2. Conclusions

The applicant has met all of the conditions of approval for the Preliminary Subdivision.

III. BACKGROUND

A. SITE

1. Statements of Fact

- a. The Preliminary Subdivision application, File No. P-SUB-79-90(P) was approved by the Planning Commission on October 18, 1979 and by the City Council on November 5, 1979.

- b. The Land Use Policies Plan has noted the area for a low density residential use at 5 lots per acre (p. 355).

2. Conclusions

The proposed subdivision is consistent with the low density residential designation at 4 lots per acre.

- B. NEIGHBORHOOD

1. Statements of Fact

- a. The property is located in the Juanita Heights area of a predominantly single family residential neighborhood. To the west are single family homes. To the east are a single family home and the site of the future Copperwood Subdivision which received preliminary approval on April 7, 1980. To the south is the Alexander Graham Bell Elementary School. To the north across N.E. 116th Street are single family homes and pasture land for King County (see Exhibit "B").

2. Conclusions

The proposed subdivision maintains the low residential development of the neighboring uses.

- IV. APPENDICES

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

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