

ORDINANCE NO. 2336

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S DECEMBER 20, 2006 RECOMMENDATION TO APPROVE WITH CONDITIONS THE AVONDALE CREST PLANNED RESIDENTIAL DEVELOPMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Real Estate Capital LLC, herein referred to as applicant, submitted an application to develop a 9-lot, Planned Residential Development (PRD) on 2.85 acres located at the northwest corner of Avondale Road NE and NE 104th Street; and

WHEREAS, a Planned Residential Development is a Type IV permit decision;
and

WHEREAS, the Redmond Community Development Guide authorizes the Technical Committee to make findings of fact, conclusions of law, and conditions of approval for the short plat; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the Planned Residential Development and make a recommendation with findings of fact, conclusions of law and conditions of approval for the PRD to the City Council for consideration; and

WHEREAS, on December 11, 2006, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the Avondale Crest Planned Residential Development (L050168); and

WHEREAS, on December 20, 2006, the Hearing Examiner recommended approval of the Avondale Crest PRD (L050168) subject to conditions, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the Avondale Crest PRD dated December 20, 2006.

Section 2. Approval. The City Council hereby approves the Avondale Crest Planned Residential Development, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated December 20, 2006.

Section 3. Duties of Planning Director. The Planning Director is hereby authorized and directed to make any appropriate notations on the official zoning map of the city in order to reflect the approval of the PRD as provided in this ordinance.

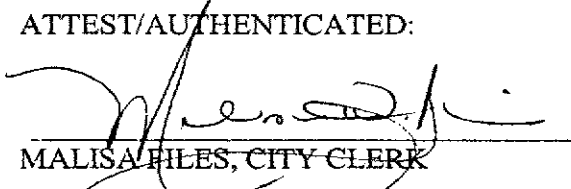
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

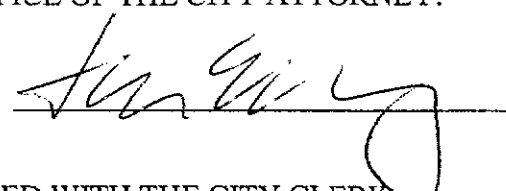

NANCY MCCORMICK, MAYOR PRO TEMPORE

ATTEST/AUTHENTICATED:


MALISA FILES, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR: pro tem

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO.: 2336

April 12, 2007

April 17, 2007

April 17, 2007

April 23, 2007

April 28, 2007

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND**

2
3 **IN THE MATTER OF THE APPLICATION) File No: L050168, L060456**
4 **OF REAL ESTATE CAPITAL, LLC FOR)**
5 **APPROVAL OF A PLANNED) FINDINGS OF FACT, CONCLUSIONS**
6 **RESIDENTIAL DEVELOPMENT FOR) OF LAW, DECISION AND**
7 **AVONDALE CREST AND THE) RECOMMENDATION**
8 **ADMINISTRATIVE APPEAL OF SUSAN)**
9 **WILKINS)**
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DECISION AND RECOMMENDATION

The appeal of Susan Wilkins is **DENIED**.

The Hearing Examiner recommends **APPROVAL** of the Planned Residential Development for Avondale Crest.

INTRODUCTION

The application of Real Estate Capital LLC., (Applicant) for approval of a Planned Residential Development for the short plat of Avondale Crest., together with an appeal of the administrative approval of the short plat came on for hearing before Gordon F. Crandall, Hearing Examiner, on December 11, 2006 at 7:00PM.

The Technical Committee Report was presented by Kerry Kriner, Senior Planner. Applicant was represented by James Barnett, of D.R. Strong Consulting Engineers. Appellant, Susan Wilkins appeared *pro se*.

Testifying under oath were:

Kerry Kriner, Senior Planner

James Barnett, D.R. Strong Consulting Engineers
Susan Wilkins, Appellant
Dave Almond, Engineering Manager
Roger Ferdinand, 10212 177th Avenue NE, Redmond

The following Exhibits were offered and admitted:

- Exhibit A: Technical Committee Report dated 12/11/2006, with Attachments
- Exhibit B: Affidavit of Publication
- Exhibit C: Revisions to Technical Committee Report, dated 12/11/2006
- Exhibit D: Avondale Crest Site Plan, submitted by Appellant Wilkins
- Exhibit E1-5: Five photographs submitted by Wilkins depicting sight distance
- Exhibit F: Profile of NE 104th across 184th Avenue NE submitted by Wilkins
- Exhibit G: Contour maps of area submitted by Wilkins
- Exhibit H: Appellant Wilkins Hearing Memorandum
- Exhibit I: Staff Memorandum for Administrative Appeals
- Exhibit J: PowerPoint Presentation

The hearing adjourned at 8:30 PM.

FINDINGS OF FACT

1. *Proposal.* Avondale Crest is a 9-lot short plat, using the Planned Residential Development provisions of the Redmond Community Development Guide (RCDG). The site is located at Avondale Road NE and NE 104th Street. The site contains 2.85 acres and is zoned R-3. The site slopes to the east and is within 200 feet of Bear Creek. A site plan is attached as Attachment A.
2. *Access.* NE 104th Street is a neighborhood collector street and arterial and descends steeply to the east and curves to the right during the steep descent. Access to the plat will be from NE 104th along the steep portion of the street below the curve.

- 1 3. *PRD*. Applicant seeks approval of a Planned Residential Development in order to modify
2 the minimum lot size and minimum lot width circle in the R-3 zone. Average lot size
3 required in the R-3 zone is 12,000 sq.ft. Applicant proposes 7,447 sq.ft. Minimum lot
4 width circle in the zone is 60 feet. Applicant proposes 45 feet.
5
- 6 4. *Design Standards*. The construction specifications and design standards for streets and
7 access are contained in Appendix 20D-3 of the RCDG. The minimum vertical and
8 horizontal curve standards for arterials and neighborhood collector streets provides a
9 minimum stopping sight distance of 450 feet. The Director of Public Works may
10 authorize variances from the standard in specific situations where conditions warrant.
11 (RCDG page 471)
12
- 13 5. *Stopping Sight Distance*. The stopping sight distance to the access point of the plat for a
14 vehicle traveling east is only 300 feet. Applicant submitted a traffic analysis using
15 AASHTO's policy on geometric design of highways and streets, which concluded that
16 there was 300 feet of stopping sight distance at this location. The Public Works Director
17 accepted this stopping sight distance here and will require a fixed radar system which
18 measures and displays the speed of a vehicle traveling on this section of NE 104th Street.
19 The plat will generate about 10 peak hour trips in and out of the plat.
20
- 21 6. *Trees*. There are 102 significant trees on the site. Applicant will save 44% of these trees.
22 Two of the three landmark trees will be removed under an exemption granted by the
23 Technical Committee. There are no critical areas on the site.
24
- 25 7. *SEPA*. A Determination of Non-Significance (DNS) for the proposal was issued on
26 December 5, 2005. There was no public comment or appeal.
27
- 28 8. *Impact Fees*. Applicant will pay impact fees for fire, transportation, parks, King County
29 transportation, stormwater, capital, and schools.
30

1 9. Other aspects of the proposal are contained in the Technical Committee Report (Exhibit
2 A) which is incorporated herein by reference, in order to avoid needless repetition.

3
4 10. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

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6 **CONCLUSIONS OF LAW**

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8 1. The Hearing Examiner is authorized to conduct a hearing and make a decision on an
9 appeal of a decision approving a short plat, and to make a recommendation on an
10 application for approval of a Planned Residential Development. RCDG 20F.30.35,
11 20F.30.45.

12
13 2. An appeal of a short plat may be granted if the Appellant has carried the burden of proof,
14 and the decision of the Technical Committee is not supported by a preponderance of the
15 evidence. The Hearing Examiner is to accord substantial weight to the decision of the
16 Technical Committee. RCDG 20F.30.35-110.

17
18 3. The location of the access point on this hill will present a new safety hazard for motorists
19 especially at night. The curve in the road coupled with the steep grade will limit visibility
20 of cars turning left into the site to about 300 feet. The normal stopping sight distance for
21 arterials is 450 feet, but the Director of Public Works has discretion to grant variances
22 from this standard in specific instances. The fixed radar system will remind motorists of
23 the speed limit and alert them if they exceed it. Finally, it will be within the authority of
24 the Public Works Director to prohibit left turns into the site at a later time under the
25 City's general authority to regulate traffic. Appellant's request that left turns in and out of
26 the site should be denied.

27
28 4. The City Council may approve a PRD proposal if it meets the requirements of RCDG
29 20C.30.105 and the design of the development achieves two or more of a schedule of
30 results listed in RCDG 20C.30.105-040 (Design Criteria). A PRD is permitted only in a

1 residential zone, the primary use must be residential, and the process may not be applied
2 to a single-family lot incapable of further subdivision so as to avoid its use when other
3 processes are applicable. Development standards may be modified in a PRD.
4

5 5. The schedule of results for a Planned Residential Development is set forth in RCDG
6 20C.30.105-040:

- 7 a. High quality architectural design, placement, relationship or orientation of
- 8 structures;
- 9 b. Achieving allowable densities for the subject property;
- 10 c. Providing housing types that effectively serve the affordable housing needs of the
- 11 community;
- 12 d. Improving circulation patterns or the screening of parking facilities;
- 13 e. Minimizing the use of impervious surfacing materials;
- 14 f. Increasing open space or recreational facilities on-site;
- 15 g. Landscaping, buffering, or screening in or around the proposed PRD;
- 16 h. Providing public facilities;
- 17 i. Preserving, enhancing or rehabilitating natural features of the subject property
- 18 such as significant woodlands, wildlife habitats or streams;
- 19 j. Incorporating energy efficient site design or building features;
- 20 k. Providing for an efficient use of infrastructure.
- 21

22 6. Applicant must show that its proposal achieves two or more of these results. Staff has
23 demonstrated that the proposal meets most if not all of the design criteria. The Planned
24 Residential Development modifying the lot area and minimum lot circle should be
25 granted.
26

27 7. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.
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1 **DECISION**

2

3 The appeal of Susan Wilkins of the Avondale Crest short plat is **DENIED**.

4

5 **RECOMMENDATION**

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7 The Hearing Examiner recommends that the Planned Residential Development for Avondale

8 Crest be **APPROVED**, subject to conditions attached hereto as Attachment B.

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12 **Done this 20th day of December, 2006**

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14 /S/ Gordon F. Crandall

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16 Gordon F. Crandall
Hearing Examiner

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19 Attachment A: Site Plan
Attachment B: Conditions of Approval

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You are hereby notified that the foregoing Findings of Fact, Conclusions, and Decision are the final action on this application subject to the right of appeal to the Redmond City Council. Appeal procedures are governed by RCDG 20F.30.40-110 (Ordinance 2118) to which the reader is referred for detailed instructions. The written appeal must be received by the **Redmond Permit Center** no later than **5:00 P.M. on January 8, 2007, or within 10 business days following final action by the Hearing Examiner if a request for reconsideration is filed.** Please include the application number on any correspondence regarding this case.

**Avondale Crest PRD
Administrative Appeal
December 20, 2006
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**City of Redmond
Office of the Hearing Examiner
P.O. Box 97010
Redmond, WA 98073-9710**

ATTACHMENT A
SITE PLAN



ATTACHMENT B
CONDITIONS OF APPROVAL

A. General Conditions of Approval

The recommended conditions of approval in Section VIII.B are site specific in nature and do not encompass all codes and regulations applicable to this project. This approval is subject to all general criteria of all applicable City of Redmond codes and regulations, including the following:

Redmond Community Development Guide
Redmond Municipal Code, Title 12 – Street and Sidewalks
Redmond Municipal Code, Title 13 – Water and Sewers
Redmond Municipal Code, Title 15 – Building and Construction
Stormwater Technical Notebook, Issue No. 4 (2004)
Record Drawing Requirements, Version 10-2005 (2005)

Please see Attachment 2, Notice of Decision for Avondale Crest Short Plat for more detailed information General Conditions and submittal requirements for Civil Plan Review.

The following table identifies those materials that are approved with conditions a part of this decision. The “Date Received” is the date that is stamped as “Received” by the Development Services Center.

Item	Date Received	Notes
Plan Set, Sheet C1-C11, L1-L3	9/18/06	<i>and as conditioned herein.</i>
SEPA Checklist	5/9/05	<i>and as conditioned herein and as conditioned by the</i>

		<i>SEPA threshold determination on 12/5/05</i>
Architectural Elevations	9/18/06	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan, Sheets L1-L3	9/18/06	<i>and as conditioned herein.</i>
Proposed Tree Preservation Plan, Sheet C2	9/18/06	<i>and as conditioned herein.</i>

B. Site Specific Conditions

I. Planning Conditions

Reviewer: Kerry Kriner, Associate Planner

Phone: 425-556-2464

Email: kkriner@redmond.gov

- 1. Conditions of Approval.** The applicant shall comply with all conditions of approval of the Preliminary Short Plat Decision issued by the Technical Committee on October 17, 2006.

Code Authority: RCDG 20F.40.150-040

- 1. Architectural Elevation Approval.** All single-family building permits associated with the Avondale Crest PRD/Short Plat shall be reviewed by the Department of Planning and Community Development for conformance to the approved building elevations.

Code Authority: RCDG 20C.30.105-040

- 2. Noise Study.** A noise study providing for current and project noise levels and proposed attenuation must be submitted as part of the civil engineering review for

1 this project. The Technical Committee shall approve appropriate methods for
2 reducing noise levels.

3 **Code Authority:** RCDG 20D.100.10-060
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- 5 3. **PRD Modifications.** As part of the Avondale Crest Planned Residential
6 Development, the following code provision shall be modified as recommended by
7 the Technical Committee:

- 8 a. The average lot size requirement shall be 7,447 square feet.
9 b. The minimum lot width requirement shall be 45 feet.

10 **Code Authority:** RCDG 20C.30.105-050
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- 12 4. **Perimeter Fencing.** In order to incorporate the design of the PRD with the
13 surrounding character of adjacent development, proposed fencing along NE 104th
14 Street must not include more than 5 feet in height of solid cedar fencing and must
15 incorporate open slat or lattice accent fencing for the additional foot in height above
16 the 5 feet of solid fencing.

17 **Code Authority:** RCDG 20C.30.105-040(3)
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20 **END OF CONDITIONS**
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