

PLANNING COMMISSION RESOLUTION NO. 96-51

A RESOLUTION OF THE CITY OF MILL CREEK)
PLANNING COMMISSION, RECOMMENDING)
APPROVAL TO THE CITY COUNCIL OF THE CITY)
OF MILL CREEK, WASHINGTON OF A) FINDINGS,
PRELIMINARY PLAT/PLANNED RESIDENTIAL) REASONS AND
DEVELOPMENT FOR A SIXTY-FIVE (65) LOT) RECOMMENDATIONS
RESIDENTIAL SUBDIVISION TO BE KNOWN AS)
"THE PARKS AT MILL CREEK, DIVISION VII.")
CASE FILE NUMBER PP 95-46.)

WHEREAS, Countrywood Homes, Inc. has submitted the appropriate information to the City of Mill Creek for consideration of a Preliminary Plat/Planned Residential Development for a sixty-five (65) lot single-family residential subdivision located south of Seattle Hill Road, west of 35th Avenue Southeast, north of the Seattle City Light transmission line right-of-way, and east of the Highlands development, within the City of Mill Creek; and

WHEREAS, the City of Mill Creek's SEPA Official issued a Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation, pursuant to RCW 43.21C, and Chapters 17.48 and 18.04 MCMC; and

WHEREAS, on April 5, 1996, a legal notice stating the time, place and purpose of the public hearing was published in the Everett Herald, and on April 7, 1996, was posted on the property pursuant to MCMC 17.36.040, and on April 4, 1996, was sent to surrounding property owners within 500 feet of the site in accordance with MCMC 17.36.040; and

WHEREAS, the Planning Commission duly convened a public hearing on April 18, 1996, to consider the matter, took testimony and inquired into the facts of the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MILL CREEK:

Section 1: The Planning Commission has considered the staff report, attached as Exhibit A, and the proposed preliminary plat, attached as Exhibit B, all incorporated herein, and the testimony and other facts elicited at the public hearing and finds that the proposed Preliminary Plat/Planned Residential Development as conditioned is consistent with the Mill Creek Comprehensive Plan the Mill Creek Subdivision and Zoning ordinances and makes appropriate provisions for the public health, safety and general welfare.

Section 2: The Planning Commission adopts the findings and recommendations as contained in Exhibit A, as they may be modified by the Planning Commission discussion and recommendation contained in Exhibit C, attached and incorporated herein.

Section 3: The Planning Commission, therefore, recommends to the City Council approval of a sixty-five (65) lot Preliminary Plat/Planned Residential Development for Countrywood Homes, Inc. as fully described and conditioned in Exhibit A, Exhibit B, and Exhibit C.

Done and Passed by majority vote, this eighteenth day of April 1996.

CITY OF MILL CREEK PLANNING COMMISSION



CHAIRMAN



SECRETARY OF THE PLANNING COMMISSION

ATTACHMENT: Exhibit A - Staff Report
 Exhibit B - Preliminary Plat Map
 Exhibit C - Planning Commission Motion with Conditions

EXHIBIT A

**DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT
TO THE CITY OF MILL CREEK PLANNING COMMISSION**

PART I - SUMMARY INFORMATION

HEARING

DATE: April 18, 1996

CITY FILE NO. Preliminary Plat No. 95-46 - The Parks at Mill Creek, Division VII

REQUESTED ACTION: Approval of a Planned Residential Development/ Preliminary Plat consisting of a sixty-five (65) lot subdivision to be developed with single-family detached residences subject to findings and conditions and conditions of approval.

OWNER/DEVELOPER: Countrywood Homes, Inc.
14410 Bel-Red Road, Suite 200
Bellevue, Washington 98007

REPRESENTATIVE: Ostergaard-Robinson Associates, Inc.
3630 Colby Avenue
Everett, Washington 98201

LOCATION: The subject site is located south of Seattle Hill Road, west of 35th Avenue Southeast, north of the Seattle City Light transmission line right-of-way, and east of the Highlands development within Section 5, Township 27 North, Range 5 East, W.M. Snohomish County.

SIZE: 13.3 acres

LEGAL DESCRIPTION: Refer to Attachment 1

COMPREHENSIVE PLAN DESIGNATION: Residential Low Density, (maximum four dwelling units per acre)

ZONING DISTRICT: Low Density Residential (maximum four dwelling units per acre)

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE/ DEVELOPMENT IMPACT MITIGATION ORDINANCE:

The City's SEPA Official has determined that the proposed preliminary plat does not have a probable significant adverse impact on the environment. Therefore, an environmental impact statement was not required under the provisions of RCW 43.21C.030(2)(C). The project is also subject to the provisions of Chapter 17.48 Mill Creek Municipal Code (MCMC), Development Impact Mitigation.

City staff has identified certain elements of the environment that require mitigation pursuant to SEPA, as well as impacts on public facilities that require mitigation pursuant to Chapter 17.48 MCMC. On March 14, 1996, a Mitigated Determination of Non-Significance (MDNS)/Notice of Property Development Impact Mitigation was issued for the proposed project. Specific elements identified as requiring measures to mitigate the impacts of the proposed development include: 1) Earth, 2) Air, 3) Water, 4) Plants, 5) Transportation, 6) Recreation, and 7) Public Facilities (schools). The mitigation measures required to address the identified environmental impacts have been incorporated into suggested conditions of approval.

INTERJURISDICTIONAL AGREEMENTS:

The City has adopted separate interlocal agreements with Snohomish County and the Everett School District regarding joint review, comment, and imposition of appropriate mitigation and conditions that affect the proposed project. This application has been reviewed by Snohomish County and the Everett School District and their comments are reflected in the MDNS and the suggested conditions of approval.

NOTICE:

In accordance with Section 17.36.040 MCMC, notice of the public hearing was mailed to property owners of record within 500 feet of the proposed project on April 4, 1996, published in the Everett Herald on April 7, 1996, and the property was posted on April 5, 1996.

PART III - BACKGROUND INFORMATION

HISTORY:

The site was annexed to the City in December 1992 as part of the East Neighborhood Annexation. The property was reclassified from R 9600 - Residential Single-Family to Low Density Residential (LDR) in January 1995, as part of the GMA Phase I Development Regulation Package

necessary to implement the City's GMA-based Comprehensive Plan. The proposed project constitutes the seventh division of a larger project known as The Parks at Mill Creek. Since 1993 the City Council has approved Divisions I - VI of The Parks at Mill Creek as recommended by the Planning Commission. The first six divisions contain a total of 174 lots and two neighborhood park sites.

**EXISTING SITE
CHARACTERISTICS:**

The project site for this application encompasses 13.3 acres. A single-family residence (mobile home) and outbuilding currently occupy the site.

The site is generally flat and is heavily forested. The predominant species are Douglas Fir, Cedar, Hemlock, and Alder; however, Cottonwood, Western White Pine, and Quaking Aspen are also present. An 18,300 square foot Category IV wetland is situated in the southeastern portion of the site.

LAND USE:

Surrounding land uses are as follows:

- ◆ to the north is the future LDS church;
- ◆ to the east is the Highlands residential neighborhood;
- ◆ to the west are single-family residences on large lots; and
- ◆ to the south is the Seattle City Light transmission line right-of-way and the Ridgewood residential neighborhood in unincorporated Snohomish County.

UTILITIES:

The subject site is located within the service area of the Alderwood Water District. Water and sewer service is available in adjacent developments. Electrical service will be provided by Snohomish County PUD and natural gas service by Washington Natural Gas.

FIRE PROTECTION:

Fire protection, suppression and emergency medical service will be provided by Fire District No. 7.

**SUBDIVISION PROCESS
AND DESIGN:**

Process

The applicant has requested that the proposed project be processed in accordance with the Planned Residential Development (PRD) process contained in Section 16.12 of the Subdivision Ordinance. This process is

intended as an alternate form of development to allow more flexibility while retaining significant natural features or providing public and private amenities. Under this process, many of the zoning and subdivision dimensional and bulk standards may be modified except for street setbacks on exterior streets, surveying standards, permitted uses and the engineering and design standards for public improvements. This process was also used in the neighboring developments of the Highlands, the Springs, The Parks at Mill Creek Divisions I - VI, and Appletree Park.

Pursuant to the PRD process, the following development standard modifications are requested by the applicant:

1. Reduction of the minimum lot size of 8,400 square feet to 4,500 square feet, with an average lot size of 6,196 square feet.
2. Reduction of the required setbacks on individual lots. The requested reductions are:
 - ◆ *Face of garage from road right-of-way* - from 24 feet to 19 feet;
 - ◆ *Front and side of dwelling from road right-of-way* - from 20 feet to 10 feet;
 - ◆ *Side yards* - from 20 feet total (5 feet minimum) to 10 feet total (5 feet minimum); and
 - ◆ *Rear yard* - from 20 feet to 15 feet, except Lots 58 through 65 where 0 feet is requested for rear yard garages.

Subdivision Design

General Description

The proposed 65-lot plat has been designed as a continuing phase of a much larger PRD, The Parks at Mill Creek. Project density, in the context of the entire PRD including the previously approved Divisions I through VI, is consistent with the Low Density Residential designation in the Comprehensive Plan.

A 50-foot roadway buffer/cutting preserve (Tracts A and B) has been designated along the 35th Avenue Southeast frontage of the subject site. Said roadway buffer is consistent with the subdivision design standards, the Comprehensive Plan, and the previously approved developments of The Parks at Mill Creek and Parkridge Lane. Additional open space is provided in Tracts C and D, which include a pedestrian trail connecting the plat to the Highlands neighborhood at 163rd Street Southeast, and the

wetland mitigation/stormwater detention area in the southeast corner of the site.

Lot Layout

Most (55) of the proposed lots are arranged along three north/south, dead end cul-de-sac streets. The remaining 10 lots are located on 163rd Street Southeast, which provides vehicular access to the plat from 35th Avenue Southeast. Thirteen of the proposed lots (Lots 11 through 23) abut Division IV of the Highlands and four of the lots (Lots 23, 24, 41, and 42) abut the Ridgewood development to the south in unincorporated Snohomish County.

Access and Circulation

The proposed plat has been designed consistent with the East Neighborhood Master Circulation Plan. Adopted by the Planning Commission in 1993, the plan is a guide for all future development in the area. To date the first six divisions of The Parks at Mill Creek development and the plats of Hollymere and Parkridge Lane have been designed in accordance with the plan. Internal access to the subject site will be from the 32nd Avenue Southeast extension, which was approved as a part of the LDS church binding site plan. Primary access to the plat will be off of 35th Avenue Southeast via 163rd Street Southeast, which will be constructed as a part of the plat.

Pedestrian circulation will be provided by public sidewalks on both sides of the internal streets and a meandering sidewalk within the cutting preserve/roadway buffer (Tracts A and B). These sidewalks will connect to the future sidewalks to be constructed by the LDS church on 32nd Avenue Southeast and within their 50-foot cutting preserve/roadway buffer adjacent to 35th Avenue Southeast.

In addition to the sidewalks, two pedestrian pathways are proposed to provide linkage from the internal portion of the plat to adjacent public sidewalk systems. One is located at the west end of 163rd Street Southeast and connects with the public sidewalks of the Highlands neighborhood. The other pathway is within Tract C adjacent to lot 58 and

provides a connection between the interior of the site and the meandering sidewalk within the cutting preserve/roadway buffer adjacent to 35th Avenue Southeast.

Streetscape

Planting Strips: The applicant is proposing a 40-foot right-of-way width for the interior cul-de-sac streets within the plat with sidewalks adjacent to the curbs (see the applicant's proposed street cross sections included in the staff report as **Attachment 2**). Previous divisions of The Parks at Mill Creek have required that five-foot planting strips be located between the sidewalk and the curb. Locating a planting strip between the curb and sidewalk results in an aesthetically pleasing streetscape. Consistent with previous requirements within The Parks at Mill Creek, as well as throughout the City, staff is recommending that planting strips be required between the curb and sidewalk, and that if the sidewalk needs to be located outside the right-of-way on individual lots, that a public access pedestrian easement be placed on the sidewalks. This recommendation is included in the suggested conditions of approval.

Traffic Island/Planter: Staff is recommending that a traffic island/planter be situated within the intersection on 163rd Street Southeast and 32nd Avenue Southeast. This will help to reduce the headlight glare onto lots 13 and 14 from westbound traffic on 163rd Street Southeast, and control vehicle speed. This streetscape feature has been included within another division of The Parks at Mill Creek at the intersection of 32nd Avenue Southeast and 159th Place Southeast. This recommendation is included in the suggested conditions of approval.

Transit Facilities

Community Transit has indicated that a bus stop is necessary along the 35th Avenue Southeast frontage to replace a substandard stop located at 164th Street Southeast, just south of the subject site. Community Transit has indicated that they would like a 12 foot by 20 foot concrete pad constructed adjacent to 35th Avenue Southeast, on the south portion of the site. The meandering sidewalk in Tract B would be located so as to tie into the future bus stop. The pedestrian path in Tract C would also provide access to the bus stop from within the plat. Community Transit would be responsible for the construction of the shelter, including a shelter structure, bench, trash can, and bus stop sign. The Community Transit request is included in the suggested conditions of approval.

Wetlands

An 18,300 square foot Category IV wetland is present on the site. Category IV wetlands have a relatively low wetland functional value as they are less than one acre in size, are isolated, and are dominated by invasive plant species. Because of the low functional value and the applicant's determination that the existing wetland is not aesthetically compatible with the proposed residential development, the plat as proposed would fill/excavate the wetland. Mitigation for the loss of the wetland is to create a larger (1.5 to 1 ratio), higher value wetland in conjunction with the stormwater detention facility.

Pursuant to the City's Environmentally Critical Areas Ordinance, Chapter 18.06 MCMC, the alteration of wetlands must be mitigated in such a manner that "no net loss of wetland function and value will occur due to the alteration," MCMC 18.06.100(C)(2). A conceptual mitigation plan has been submitted in accordance with the City's development regulations.

Utilities-Water and Sewer

Sanitary sewer and water mains are currently located on the eastern and southern boundaries of the site. The Alderwood Water District has indicated that the developer is required to construct public water and sewer systems throughout the site with connections to the existing mains located at the end of 163rd Street Southeast in the Highlands, Division IV and at the north end of the Ridgewood No. 5 plat, adjacent to the subject site.

Utilities-Stormwater

Stormwater runoff will be collected in the streets and conveyed to a water quality treatment pond where the settling of particulates will occur, and from there to a stormwater detention/wetland mitigation area. These facilities are located in the southeast portion of the site within Tract C. It will then have a measured release into an existing drainage course in unincorporated Snohomish County which travels east to Tambark Creek.

The City Engineer has reviewed the Preliminary Drainage Report prepared for the project and has determined that the proposed on-site water quality/detention facilities meet City standards. However, he has indicated that additional information is required on the downstream analysis portion of the report and that off-site improvements may be required. A memo from Craig Stampher dated April 11, 1996, regarding the stormwater facilities is included in this report as **Attachment 3**.

**CONSISTENCY WITH
THE MILL CREEK
COMPREHENSIVE
PLAN:**

The proposed plat has been reviewed for consistency with the Mill Creek Comprehensive Plan. Since the plan is by its nature "comprehensive" or a broad policy document, staff has focused on the applicable policies that either have direct influence on the design of this project or are geographically specific to the request.

To be approved, the proposed plat must be consistent with the Land Use Map and applicable policies of the Comprehensive Plan. Since this project represents a portion of a larger project that was previously found to be consistent with the plan and approved by the City, staff has not presented the expanded policy review and comment similar to that contained in the record for the previously approved divisions of The Parks. We have reviewed this application with the applicable policies of the Comprehensive Plan as well as the previous policy analysis for The Parks development and found it to be consistent with both the plan maps and policies of the plan. The applicable policies of the plan are:

LAND USE ELEMENT

Policies 1.03, 1.07, 1.10, 1.13, 1.14, 1.15, 1.16, and 1.17

COMMUNITY FACILITIES AND UTILITIES ELEMENT

Policies 1.01, 1.02, 1.03, 4.01, 4.02, and 6.01

STREETSCAPE ELEMENT

Policies 1.03 and 3.01

TRANSPORTATION ELEMENT

Policies 2.01, 3.01, 3.03, 4.01, and 4.03

ENVIRONMENTAL FEATURES ELEMENT

Policies 1.02, 1.03, 4.02, 4.03, and 4.05

PARKS AND OPEN SPACE ELEMENT

Policies 1.02, 5.02, and 5.04

In summary, staff has reviewed the applicable policies of the Comprehensive Plan, as well as the approved findings and conclusions from the previous six divisions of The Parks development. Based on this review, we find that the proposed project complies with the applicable policies or that the policies provide further direction in the development of the conditions of approval.

**CONSISTENCY WITH
SUBDIVISION
REGULATIONS:**

This application is being processed under the provisions of the planned area development section of the subdivision regulations (Chapter 16.12 MCMC), which allows modification of zoning and subdivision requirements with certain limitations and conditions. The following section evaluates the proposed plat with the criteria for reviewing and approving preliminary plats that are found in MCMC Chapter 16.12 and Section 16.18.010 (C).

Subdivision Review Criteria

1. Section 16.18.010 (C) 1 The preliminary subdivision and binding site plan meet the requirements and intent of the MCMC and adopted City plans.

Comment:

The proposed plat is for the development of detached single-family homes. The gross density that is allowed for the Low Density Residential development, as designated on the Land Use Map of the Comprehensive Plan, is four (4) units per acre. The density of The Parks at Mill Creek, including Division VII, is 3.65 units per acre. The density and type of residential land use are similar to other low density single-family developments within the City, including the Highlands neighborhood located directly east of the subject site. The proposed plat, with suggested conditions of approval, meets the requirements and intent of the MCMC and adopted City plans.

2. Section 16.18.010 (C) 2 The proposed plat makes adequate provisions for open space, drainage ways, streets and other public ways, water supply, sanitary wastes, parks, playgrounds, sites for schools and school grounds.

Comment:

The streets and sidewalks within the proposed development with suggested conditions of approval comply with the standards required by the City Engineer. The applicants have agreed to mitigate their recreational impacts through the payment of park impact fees to be used for development of the proposed neighborhood parks in Divisions I and II and the future community park.

Utilities are available with sufficient capacity to serve the site and the final drainage plans will be reviewed for adequacy in managing projected off-site flows. Contributions will be required to mitigate proportionate share impacts on City streets.

In addition to mitigating impacts on public facilities within the City, the applicant will also contribute proportionate share impact mitigation to Snohomish County for road and transportation impacts and to the Everett School District for impacts on the school facilities.

The proposed plat, with suggested conditions of approval, provides for improved transit service. As discussed previously, Community Transit has determined that a bus stop is necessary on 35th Avenue Southeast frontage of the plat.

3. Section 16.18.010 (C) 3 The subdivision or development is beneficial to the public health, safety, and welfare and is in the public interest.

Comment:

The execution of mitigation agreements with the proponent will include funds for the development of neighborhood parks, contributions for improvements to the City road system, and improvements to the public transit system.

4. Section 16.12.030 requires that a Planned Residential Development must be located on a minimum parcel size of 4.9 acres.

Comment:

The subject site contains 13.3 acres; the entire Parks at Mill Creek PRD contains 65.5 acres.

5. Section 16.12.040 directs that certain bulk regulations may be modified in a Planned Residential Development.

Comment:

As stated previously, the applicant has proposed modifications to several of the development standards through the PRD process. A description of each requested modification and a staff analysis/recommendation follows:

1. Reduction of the minimum lot size of 8,400 square feet to 4,500 square feet, with an average lot size of 6,196 square feet.

Analysis/Recommendation:

The proposed plat has smaller lot sizes and a higher density than has been approved in the previously approved phases of The Parks at Mill Creek. Independently, the site has a gross density of 4.9 units per acre. However, taking the entire Parks at Mill Creek PRD into account, the overall density will be at 3.65 units per acre, well within the four units maximum per acre established in the Comprehensive Plan. For the City to meet Growth Management Act population targets as adopted in the Comprehensive Plan, densities approaching four units per acre need to be achieved in the areas designated for Low Density Residential development.

Since the proposed plat helps the City implement the Comprehensive Plan, staff supports the applicant's request for a reduced lot size within the plat.

2. Reduction of setbacks on individual lots.

A) Face of garage from road right-of-way - from 24 feet to 19 feet.

One reason for the setback requirement for garages is to ensure that off-street parking spaces are of sufficient size to accommodate parking vehicles on the driveway, with adequate area available to have some space between parked vehicles and the face of the garage, without the vehicle projecting over the sidewalk. A full-size car is between 17 and 18 feet in length and a full-size pickup truck (3/4 ton) is approximately 20 feet in length. It is the staff's opinion that a minimum of 20 feet is necessary to adequately accomplish this objective.

Another related issue is the design of the 40-foot road section for the interior streets within the plat. As discussed above under Streetscape, staff is recommending that the sidewalks be separated

from the street with a five-foot wide planting strip. This would result in the sidewalks being placed outside the right-of-way on individual lots, with public access easements for pedestrian use. If this recommendation is adopted by the Planning Commission, staff suggests that the garage setback be measured from the edge of the sidewalk closest to the garage in lieu of the right-of-way as proposed by the applicant. This would ensure that the purpose of the setback would be achieved.

In summary, staff recommends that the front setback for garages be a minimum of 20 feet, and that the setback should be measured from the back edge of the sidewalk to the garage. This recommendation is included in the suggested conditions of approval.

B) Front and side of dwelling from road right-of-way - from 20 feet to 10 feet.

The proposed modification for a reduced front yard setback for the dwelling has been requested and approved on previous phases of The Parks at Mill Creek. Staff supports this request with the exception that, in cases where the sidewalk is located outside the right-of-way, the setback be measured from the edge of the sidewalk closest to the dwelling. This recommendation is included in the suggested conditions of approval.

C) Side yard - from 20 feet aggregate total (5 feet minimum) to 10 feet aggregate total (5 feet minimum).

The proposed modification for reduced side yard setbacks for the dwelling has been requested and approved on previous phases of The Parks at Mill Creek. Staff supports this request.

D) Rear yard - from 20 feet to 15 feet, except Lots 58 through 65 where 0 feet is requested for rear yard garages.

The proposed modification for reduced rear yard setbacks for the dwelling has been requested and approved on previous phases of The Parks at Mill Creek. In general, staff supports this request; however, since lots 11 through 23 back up to the plat of Mill Creek Highlands, Division IV, which has a 20-foot cutting preserve along the common boundary between the plats, staff is recommending that the setback for these lots (11 through 23) be 20 feet and be subject to a property buffer/tree preservation

easement. This recommendation is included in the suggested conditions of approval.

The applicant is requesting a 0-foot rear yard setback for garages on lots 58 through 65. These lots back up to the 50-foot cutting preserve/roadway buffer. The applicant wishes to have the option of placing the garages in the rear yard. The effect of this would be to provide a more traditional streetscape by eliminating the garage from the front elevation and may reduce traffic noise generated by 35th Avenue Southeast. Since the properties back up to a 50-foot, heavily vegetated buffer tract and would result in a more pleasing streetscape on the interior road, staff supports the proposed modification.

While the setback and lot width standards are proposed to be reduced, the applicant must still comply with the 35 percent lot coverage requirement. Thus, the modification of setbacks allows more flexibility in the location of houses on the lots but not more coverage by structures.

6. Section 16.12.060 directs that 20 percent of the net development area in a PRD must be established as open space and community recreation facilities.

Comment:

Based on the formula contained in the PRD regulations, The Parks at Mill Creek, Divisions I through VII, approximately 10.6 acres of open space is required. Including the two neighborhood parks, the cutting preserve/roadway buffers, and the other open space areas provided, The Parks at Mill Creek PRD provides 11.7 acres of open space.

FINDINGS AND CONCLUSIONS:

Having viewed the property and reviewed the application and supporting materials, staff makes the following findings and conclusions:

1. The request is for the approval of a Preliminary Plat/Planned Residential Development for 65 lots to be developed with single-family residences.
2. Access to the proposed plat would be from 35th Avenue Southeast via 163rd Street Southeast to be constructed as a part of the plat and the extension of 32nd Street Southeast.
3. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC,

the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City street system, parks, water, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on March 14, 1996, impact mitigation agreements will be required to mitigate the identified impacts.

4. The proposed plat is also subject to an Interlocal Transportation Agreement between the City of Mill Creek and Snohomish County for the review and mitigation of development impacts on the county road system. The City has received Snohomish County's comments pursuant to the Interlocal Transportation Agreement and SEPA, along with a request for the requirement of contributions to mitigate the specific impacts occurring from this development.

5. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on district facilities.

6. The proposed plat is located within a Low Density Residential (LDR) Zone District. By using the Planned Residential Development process, the setback, lot size, and lot width requirements of the district may be modified.

7. The applicant has requested modification of certain zoning standards in accordance with the provisions of the Planned Residential Development process. The requested modifications are:

1. Reduction of the minimum lot size of 8,400 square feet to 4,500 square feet, with an average lot size of 6,196 square feet.

2. Reduction of the required setbacks on individual lots. The requested reductions are:

- ◆ *Face of garage from road right-of-way* - from 24 feet to 19 feet;
- ◆ *Front and side of dwelling from road right-of-way* - from 20 feet to 10 feet;
- ◆ *Side yards* - from 20 feet total (5 feet minimum) to 10 feet total (5 feet minimum); and
- ◆ *Rear yard* - from 20 feet to 15 feet, except Lots 58 through 65 where 0 feet is requested for rear yard garages.

8. The plat as described and in conjunction with the previously approved division of The Parks at Mill Creek conforms to the provisions of the Planned Residential Development section of the Mill Creek Subdivision Ordinance. The proposal does not include the density bonus allowed in the Planned Residential Development process.

9. The proposed plat is compatible with regard to residential use, lot design, provision of public facilities, and property buffers that exist in adjacent developments.

10. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.

11. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 MCMC, Plats and Subdivisions.

12. The statutory requirements for environmental review and public notification have been duly satisfied.

**STAFF RECOMMENDATION
AND SUGGESTED CONDITIONS
OF APPROVAL:**

Based on the foregoing information, findings and conclusions, staff recommends to the Planning Commission approval of the proposed Preliminary Plat/Planned Residential Development subject to the following conditions.

1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.

2. The maximum number of building lots shall be 65. Construction shall be limited to one single-family detached residence per lot.

3. All other regulations notwithstanding, the following modifications to the development regulations shall be permitted:

A) The minimum lot size of 8,400 square feet may be reduced to 4,500 square feet, with an average lot size of 6,196 square feet.

B) Minimum setback requirements shall be as follows:

◆ Face of garage from back edge of sidewalk shall be 20 feet;

- ◆ Front and side of dwelling from edge of sidewalk shall be 10 feet;
- ◆ Side yard setbacks shall be 10 feet aggregate total, 5 feet minimum; and
- ◆ Rear yard setbacks shall be 15 feet, except Lots 58 through 65 where 0 feet is permitted for rear yard garages, and Lots 11 through 23 (adjacent to the Highlands neighborhood) where a 20-foot setback shall be required.

4. Twenty-foot property buffer easements shall be provided on the rear portions of Lots 11 - 23 for the purpose of tree preservation.

5. The applicant shall provide an interpretive sign(s) at Tract C to educate residents about the value, function, and protection of wetlands.

6. The subdivision shall be incorporated into the primary homeowners association for The Parks at Mill Creek, which will be responsible for the maintenance of all privately owned common facilities, including Tracts A, B, C, D, and the traffic island/planter.

7. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.

8. Fire hydrant design, location, and spacing shall be reviewed and approved by Fire District No. 7 and the Alderwood Water District.

9. A raised curb traffic island/planter shall be constructed within the intersection of 32nd Avenue Southeast and 163rd Street Southeast. Design of said traffic island/planter shall be consistent with the other traffic island within 32nd Avenue Southeast and be subject to the review and approval of the City Engineer.

10. Standard sidewalks separated from the curb by a five-foot wide planting strip are required on both sides of the public streets within the plat. Sidewalks located outside the right-of-way shall be subject to a public pedestrian access easement allowing public access to said sidewalk facilities.

11. A 12-foot by 20-foot concrete pad to be used as a bus stop shall be constructed adjacent to 35th Avenue Southeast within Tract B and be connected to the public sidewalk system. Specific location of said pad shall be determined by mutual agreement between Community Transit, the applicant, and the City Engineer and be shown as an easement to Community Transit on the Final Plat.

12. All roadway sections shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The design of the roadway section for all internal streets shall include provisions for a five-foot wide planting strip situated between the back of the curb and the edge of the sidewalk to accommodate street trees and shall be prepared by a licensed landscape architect.

13. Public access easements shall be provided for the pedestrian pathways located in Tracts A, B, C, and D.

14. Submittal and approval of a street tree planting plan for all streets within the plat. The street tree plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to final plat approval. The plan shall be implemented commensurate with house construction.

15. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and construction of roads and sidewalks. No other clearing is allowed without the approval of City staff. No lot clearing shall be allowed nor building permits issued prior to the submittal and approval of individual tree preservation plans for each lot following approval by the City Council of the final plat.

16. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 12 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid.

17. Mail boxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service and the Mill Creek Police Department.

18. All utility, stormwater, drainage, maintenance easements, property buffers and pedestrian easements together with attendant restrictions and conditions shall be portrayed on the face of the final plat.

**SEPA MITIGATION
MEASURES:**

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20. To reduce impacts on air quality during development of the plat, dust shall be controlled by watering areas of soil disturbance during construction. To reduce impacts on air quality, all fireplaces shall be either natural gas appliances or certified pellet/wood stoves or inserts.

21. Stormwater management plans shall be submitted for review and approval by the City Engineer. The plans shall be prepared by a licensed engineer and incorporate stormwater treatment methods based on the Washington State Department of Ecology Stormwater Management Manual, Publication 92-32 Volume I and Publication 92-33 Volume II and/or the Washington State Department of Fisheries guidelines, whichever is more restrictive.

Oil/water separators shall be installed in catch basins as determined by the City Engineer.

22. Submittal of a detailed wetland mitigation plan developed in accordance with Section 18.06 MCMC. Said plan shall be implemented prior to final plat approval or a performance bond equal to 125 percent of the cost of labor and materials shall be posted. In addition, the developer and the City shall enter into a development agreement that will ensure the applicant's compliance with the monitoring schedule contained in the final mitigation plan. Said agreement shall be reviewed and approved by the City Attorney.

23. Existing significant trees shall be preserved within Tracts A and B. A tree planting/landscape plan, subject to City approval will be required. In addition, existing significant trees shall be preserved on individual residential lots where practical.

The trees to be preserved shall be determined after a review of the tree survey on file with the City and on-site identification by City staff. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery and material storage by the erection of barrier fencing approved

by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.

24. The execution of an impact mitigation agreement between the applicant and the City for \$ 34,252.00 for the following road improvement projects:

Seattle Hill Road Improvements - \$ 12,276.00
Traffic Signal at 23rd/25th Avenue - \$ 6,916.00
9th Avenue Intersection Improvements - \$ 5,100.00
Dumas Road Intersection Improvements - \$ 9,960.00

25. In accordance with the Interlocal Transportation Agreement between Snohomish County and the City of Mill Creek for the mitigation of interjurisdictional development impacts, the applicant shall contribute \$ 112,934.25 to Snohomish County, subject to any credits approved by the county. Verification of payment shall be provided to the City before final plat approval.

26. The applicant shall contribute \$ 87,330.75.00 to mitigate impacts on City park and recreation facilities. Of this amount, \$ 31,017.35 shall be used for the development of the neighborhood parks in Divisions I and II. The balance of the mitigation \$ 56,313.40 shall be used for the acquisition and development of a community park.

27. The applicant shall contribute \$ 84,695.00 to the Everett School District to mitigate impacts on public school facilities. Verification of payment shall be provided to the City before final plat approval.

Attachments: 1) Legal Description
2) Proposed Street Cross Section
3) Memorandum from Craig Stampher, dated April 11, 1996

F:\DATA\PLAN\WPTOMP\K7

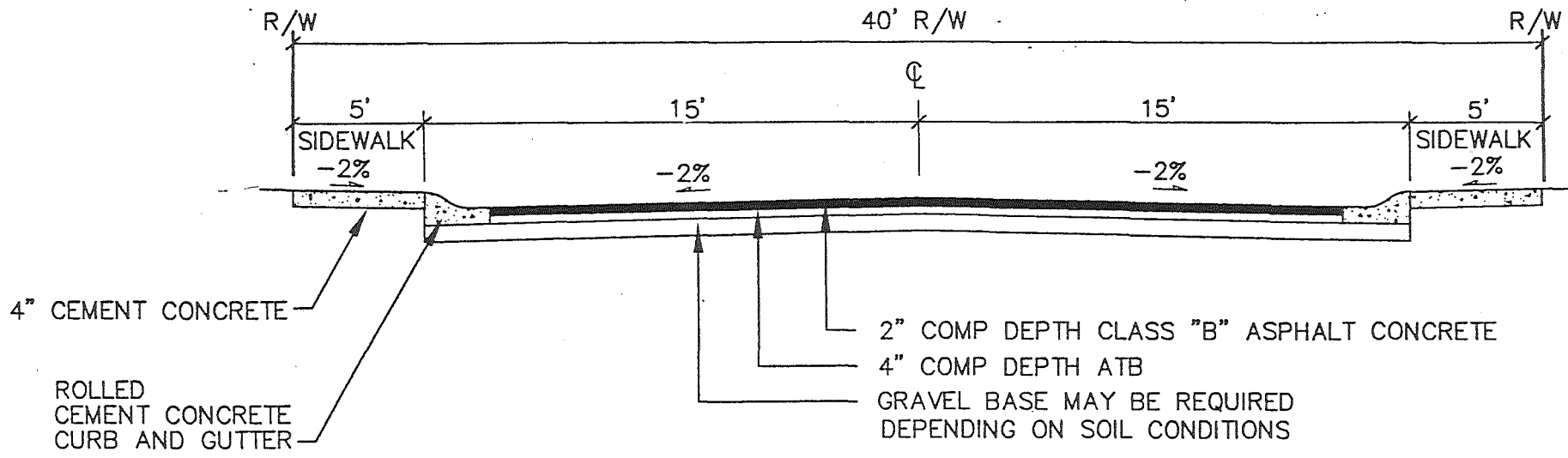
LEGAL DESCRIPTION FOR PRELIMINARY PLAT OF
THE PARKS AT MILL CREEK, DIVISION 7 (PP 95-46)

THAT PORTION OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST
QUARTER OF THE SOUTHEAST QUARTER, LYING WEST OF COUNTY ROAD (YORK),
IN SECTION 5, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY
WASHINGTON;

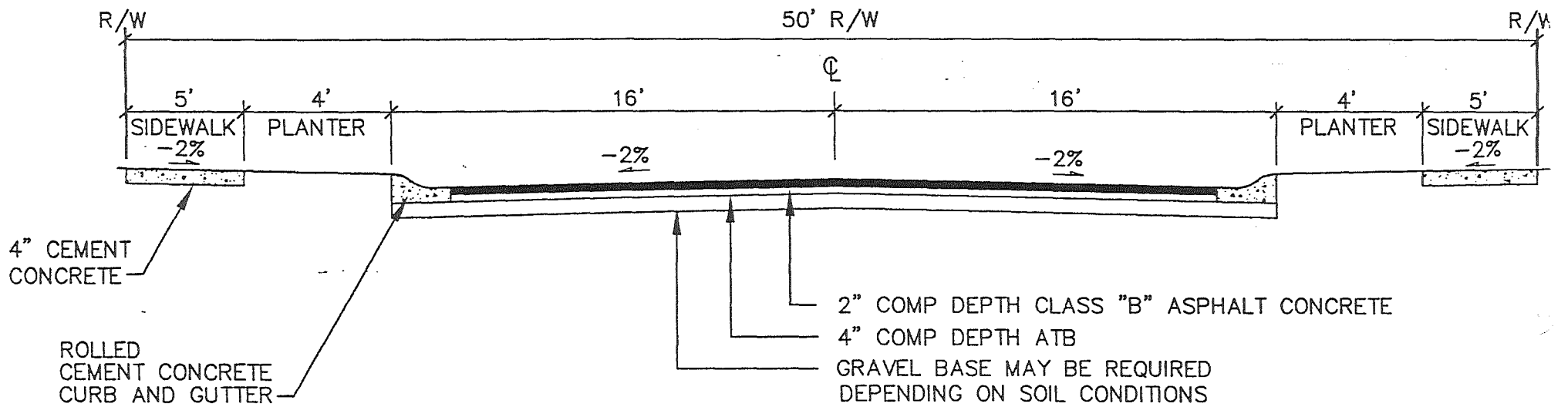
EXCEPT THAT PORTION LYING SOUTHEASTERLY OF THE NORTHWESTERLY
BOUNDARY OF THE CITY OF SEATTLE SKAGIT RIVER TRANSMISSION LINE RIGHT OF
WAY.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

ATTACHMENT 1



TYPICAL 40' ROAD SECTION



TYPICAL 50' ROAD SECTION



MEMORANDUM

TO: Tom Rogers, Senior Planner
FROM: Craig M. Stampher, Director of Public Works
DATE: April 11, 1996
SUBJECT: Review of Parks at Mill Creek Division 7 Drainage

Per your request, Public Works has reviewed the "Preliminary Report and Drainage Analysis for the Proposed Plat of Parks At Mill Creek Division 7" by Ostergaard-Robinson, last revision dated 4/4/96. The report appears adequate for preliminary analysis, but the following issues should be addressed with the final drainage analysis:

1. The preliminary drainage study addresses downstream conveyance, but does not quantify any downstream capacity. Instead, the analysis indicates that "There is the potential for flooding of downstream properties under existing conditions" but that development of the site should not exacerbate these problems because of the detention provided. In addition to the qualitative analysis provided for the downstream system, the following should be addressed:
 - a. A review of the site indicates that a significant portion of the site drainage is retained in the existing wetland and may infiltrate or evaporate before reaching the downstream path. This could mean that the "existing" downstream flows are overestimated and controlled release from the detention pond may exacerbate flooding downstream. This concern needs to be addressed in the report.
 - b. Capacity of the culvert crossing 35th Avenue and other critical areas downstream should be calculated and provided. Again, existing flows to this culvert may be less than calculated based on observations of on-site evapotranspiration potential.
 - c. The potential impacts on flooding downstream that may result from sustained peak level release from the detention facility need to be identified and mitigated if significant. In other words, during a storm event under existing conditions, some downstream areas experience flooding. Following construction, these areas may be subject to the same peak level of flooding for a longer period due to controlled release at the pre-development peak rate from the detention facility.
 - d. The drainage basin map should include sufficient offsite topography information to verify that the entire basin contributing to flows has been identified.
2. Results of the computer runs for pre- and post-development hydrology and pond routing should be summarized in a table in the prose portion of the report. Also, the computer printouts are poor quality reproductions and should be improved in the final report.

Memorandum

Page 2

3. The comments from the County, dated April 2, 1996, (copy attached) should be addressed in the final report.

If you have any questions, or need additional information, please let me know.



Snohomish County

Public Works

April 2, 1996

William G. Trimm, Director
Department of Community Development
City of Mill Creek
15728 Mill Creek Boulevard
Mill Creek, WA 98012

RECEIVED
APR 11 1996
CITY OF MILL CREEK

Robert J. Drewel
County Executive

2930 Wetmore Ave.
Everett, WA 98201
(206) 388-3488
FAX (206) 388-6494

SUBJECT: The Parks at Mill Creek Division 7

Dear Mr. Trimm:

Snohomish County Department of Public Works has reviewed the subject development proposal. We would like to offer the following comments:

1. It appears as if most if not all of the drainage will exit the SE corner of the site through a culvert under 35th Ave. Is the capacity adequate, and is the downstream system able to handle increased flows?
2. Although only one wetland was officially delineated, the topography suggests that there are numerous wet pockets that will likely cause drainage problems for future residents, especially with the density of DU's. Since the building setbacks are extremely minimal, the potential for flooded crawl spaces and yards is likely to be high unless careful attention is given to site grading for each individual lot .
3. Since 40% of the site will be impervious, foundation drains and roof drains should connect to the storm water system, and there should be French drains along all uphill street frontage to prevent groundwater seepage across sidewalks. There should also be swales and yard drains along the back lot lines.
4. Erosion control will be vital, a performance bond to insure successful application of TESC plans would be highly advisable.
5. This plat should require a large volume of detention due to high % of impervious surfaces and 70% removal of existing vegetation. Groundwater influences on detention volumes will need to be examined.

Thank you for the opportunity to comment on the development proposal.

Sincerely,

Rubin Yu
Principal Environmental Coordinator
c: Craig Young, Surface Water

"yu5"

EXHIBIT C

PLANNING COMMISSION MOTION AND CONDITIONS

MOTION: Vice Chair Beyerlein moved to approve the resolution recommending to the City Council approval of the Preliminary Plat/Planned Residential Development of The Parks, Division VII, as conditioned in the staff report and as modified by the Planning Commission. Chair McElhose seconded the motion, and it passed unanimously.

FINDINGS AND CONCLUSIONS:

1. The request is for the approval of a Preliminary Plat/Planned Residential Development for 65 lots to be developed with single-family residences.
2. Access to the proposed plat would be from 35th Avenue Southeast via 163rd Street Southeast to be constructed as a part of the plat and the extension of 32nd Street Southeast upon its improvement at the time the property to the north is developed.
3. The proposed project has been reviewed under the provisions of the State Environmental Policy Act (SEPA) and Chapter 17.48 MCMC, the Development Impact Mitigation Ordinance. This review has revealed that there will be an impact on the City street system, parks, water, and public school facilities that require mitigation.

In accordance with the Mitigated Determination of Non-Significance and Notice of Property Development Impact Mitigation issued by the responsible official on March 14, 1996, impact mitigation agreements will be required to mitigate the identified impacts.

4. The proposed plat is also subject to an Interlocal Transportation Agreement between the City of Mill Creek and Snohomish County for the review and mitigation of development impacts on the county road system. The City has received Snohomish County's comments pursuant to the Interlocal Transportation Agreement and SEPA, along with a request for the requirement of contributions to mitigate the specific impacts occurring from this development.
5. The Everett School District has requested that the applicant contribute fees in lieu of land dedication to mitigate the development impacts on district facilities.
6. The proposed plat is located within a Low Density Residential (LDR) zone district. By using the Planned Residential Development process, the setback, lot size, and lot width requirements of the district may be modified.
7. The applicant has requested modification of certain zoning standards in accordance with the provisions of the Planned Residential Development process. The requested modifications are:

1. Reduction of the minimum lot size of 8,400 square feet to 4,500 square feet, with an average lot size of 6,196 square feet.
2. Reduction of the required setbacks on individual lots. The requested reductions are:
 - ◆ *Face of garage from road right-of-way* - from 24 feet to 19 feet;
 - ◆ *Front and side of dwelling from road right-of-way* - from 20 feet to 10 feet;
 - ◆ *Side yards* - from 20 feet total (5 feet minimum) to 10 feet total (5 feet minimum); and
 - ◆ *Rear yard* - from 20 feet to 15 feet, except Lots 58 through 65 where 0 feet is requested for rear yard garages.
8. The plat as described and in conjunction with the previously approved division of The Parks at Mill Creek conforms to the provisions of the Planned Residential Development section of the Mill Creek Subdivision Ordinance. The proposal does not include the density bonus allowed in the Planned Residential Development process.
9. The proposed plat is compatible with regard to residential use, lot design, provision of public facilities, and property buffers that exist in adjacent developments.
10. The proposed plat has been reviewed and found consistent with the applicable policies and Land Use Map of the City of Mill Creek Comprehensive Plan.
11. If approved subject to the conditions recommended below, the proposed plat will be consistent with the requirements of Title 16 MCMC, Plats and Subdivisions.
12. The statutory requirements for environmental review and public notification have been duly satisfied.

CONDITIONS OF APPROVAL

1. Development shall occur as portrayed on the Preliminary Plat map attached as Exhibit B, except as may be modified by conditions imposed by the Planning Commission.
2. The maximum number of building lots shall be 65. Construction shall be limited to one single-family detached residence per lot.
3. All other regulations notwithstanding, the following modifications to the development regulations shall be permitted:
 - A) The minimum lot size of 8,400 square feet may be reduced to 4,500 square feet, with an average lot size of 6,196 square feet.

B) Minimum setback requirements shall be as follows:

- ◆ Face of garage from back edge of sidewalk shall be 20 feet;
- ◆ Front and side of dwelling from edge of sidewalk shall be 10 feet;
- ◆ Side yard setbacks shall be 10 feet aggregate total, 5 feet minimum; and
- ◆ Rear yard setbacks shall be 15 feet, except Lots 58 through 65 where 0 feet is permitted for rear yard garages, and Lots 11 through 23 (adjacent to the Highlands neighborhood) where a 20-foot setback shall be required.

4. Twenty-foot property buffer easements shall be provided on the rear portions of Lots 11 - 23 for the purpose of tree preservation.
5. The applicant shall provide an interpretive sign(s), to be approved by the Director of Community Development, at Tract C to educate residents about the value, function, and protection of wetlands.
6. The subdivision shall be incorporated into the primary homeowners association for The Parks at Mill Creek, which will be responsible for the maintenance of all privately owned common facilities, including Tracts A, B, C, D, and the traffic island/planter.
7. Water and sewer facilities shall be designed and installed in accordance with the requirements of the Alderwood Water District.
8. Fire hydrant design, location, and spacing shall be reviewed and approved by Fire District No. 7 and the Alderwood Water District.
9. A raised curb traffic island/planter shall be constructed within the intersection of 32nd Avenue Southeast and 163rd Street Southeast. Design of said traffic island/planter shall be consistent with the other traffic island within 32nd Avenue Southeast and be subject to the review and approval of the City Engineer. In addition, the intersection shall be reconfigured to provide traffic calming techniques such as offsetting the alignment of 32nd Avenue Southeast, expanding/decreasing the intersection radii, and appropriate signage subject to the review and approval of the City Engineer.
10. Standard sidewalks, separated from the curb by a four-foot wide planting strip, are required on both sides of the public streets within the plat. Sidewalks located outside the right-of-way shall be subject to a public pedestrian access easement allowing public access to said sidewalk facilities.
11. A 12-foot by 20-foot concrete pad to be used as a bus stop shall be constructed adjacent to 35th Avenue Southeast within Tract B and be connected to the public sidewalk system. Specific location of said pad shall be determined by mutual agreement between Community Transit, the applicant, and the City Engineer and be shown as an easement to Community Transit on the Final Plat.

12. All roadway sections, including 35th Avenue frontage improvements, shall be designed by a licensed engineer and the design reviewed and approved by the City Engineer. The design of the roadway section for all internal streets shall include provisions for a four-foot wide planting strip situated between the back of the curb and the edge of the sidewalk to accommodate street trees and shall be prepared by a licensed landscape architect.
13. Public access easements shall be provided for the pedestrian pathways located in Tracts A, B, C, and D.
14. Submittal and approval of a street tree planting plan for all streets within the plat. The street tree plan shall be prepared by a licensed landscape architect and shall be reviewed and approved by the City's Design Review Board prior to final plat approval. The plan shall be implemented commensurate with house construction.
15. Site clearing and grading shall be restricted to areas necessary for the installation of utilities, and construction of roads and sidewalks. No other clearing is allowed without the approval of City staff. No lot clearing shall be allowed nor building permits issued prior to the submittal and approval of individual tree preservation plans for each lot following approval by the City Council of the final plat.
16. Trees designated for preservation that are damaged or removed shall be replaced at a ratio of 3:1. The replacement trees shall be a coniferous species and have a minimum height at planting of 12 feet. In addition, a penalty of \$1,000.00 per tree may be assessed for any trees that are removed or destroyed by the applicant or his agent without the express approval of the City. The City may, at its discretion, issue a stop work order for the construction on the subject lots until the penalty is paid.
17. Mail boxes shall be grouped or clustered in lockable hutches in locations identified by the United States Postal Service and the Mill Creek Police Department.
18. All utility, stormwater, drainage, maintenance easements, property buffers and pedestrian easements, together with attendant restrictions and conditions, shall be portrayed on the face of the final plat.

SEPA MITIGATION MEASURES:

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The trees to be preserved shall be determined after a review of the tree survey on file with the City and on-site identification by City staff. The applicant shall work with City staff in an effort to save as many significant trees as possible in the development of Tract C. Preservation areas and individual trees identified to be saved shall be protected from encroachment by vehicles, earth moving and excavating machinery and material storage by the erection of barrier fencing approved by City staff. Failure to maintain, or removal of the fencing without approval of the City, shall result in the issuance of a stop work order.

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ADDITIONAL CONDITIONS ADDED BY THE PLANNING COMMISSION:

28. The plat shall be amended to add a roadway to connect the cul-de-sacs at the southern terminus of 32nd and 33rd Avenues Southeast. Building lots in the vicinity of this roadway may be reconfigured to accommodate this revision.
29. A minimum 10-foot setback shall be required from the southern property line of Lot 23 to provide adequate buffering from Lots 17 and 18 of the Plat of Ridgewood No. 4. Said setback shall be shown on the Final Plat.