

RESOLUTION NO. R- 2426

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-77-8(H) BY WILLIAM NELSON TO FACILITATE REDEVELOPMENT OF HOUGHTON SHOPPING CENTER, BEING WITHIN AN RM-1800 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH AN INTENT TO REZONE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent to Rezone Permit filed by William Nelson the owner of said property described in said application and located within an RM-1800 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of March 10, 1977 and March 1, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-2319 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet 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 worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission and Houghton Community Council after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Intent to Rezone Permit subject to the specific conditions set forth in said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. R-77-8(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Resolution of Intent to Rezone Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council. The City Council further approves in principal, the request for reclassification from RM-1800 to BC and pursuant to Chapter 23.62 of Ordinance 2183, the Council shall by Ordinance,

effect such reclassification upon being advised that all of the conditions, stipulations, limitations and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Intent to Rezone permit or evidence thereof delivered to the permittee.

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

Section 5. Failure on the part of the holder of the Resolution of Intent to Rezone Permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone Permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Intent to Rezone permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

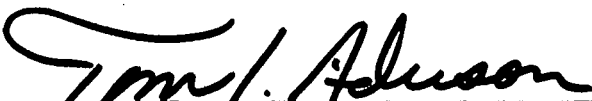
- a. Applicant
- b. Department of Community Development of the City of Kirkland
- c. Building Department of the City of Kirkland
- d. Fire Department of the City of Kirkland
- e. Police Department of the City of Kirkland
- f. Public Service Department of the City of Kirkland
- g. The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 21st day of March, 1977.



Mayor Pro tem

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

Findings, Cont'd

C. 6. Vegetation. Other than the landscaping which currently exists in the shopping center and the field grass, there is very little vegetation on this site.

D. PUBLIC UTILITIES:

7. Streets. The subject property fronts on 106th Ave. N.E. The entire shopping center fronts on N.E. 68th Street, 106th Ave. N.E. and 108th Ave. N.E. N.E. 68th Street is presently improved with curbs, sidewalks and gutters. 106th Ave. N.E. and the west side of 108th Ave. N.E. are lacking these improvements.

8. Traffic/Access. The applicant intends to retain the existing shopping center access point on 108th Ave. N.E. The applicant is proposing two access points from N.E. 68th Street and another on 106th Ave. N.E., approximately 40 feet south of the intersection of 106th Ave. N.E. and N.E. 68th Street. In addition, the applicant is proposing a drive-through route from 108th Ave. N.E. to 106th Ave. N.E. along the southern property line of the site. (See Exhibit "B" - Site Plan).

9. Parking. The applicant has submitted plans indicating 208 parking stalls to serve the entire redeveloped shopping center. The applicant proposes that, upon completion, the shopping center will have a total of four buildings, containing a total floor area of 62,500 square feet. The proposed number of parking stalls satisfies the required parking ratio of 1 stall per 300 square feet of gross floor area for retail space and offices. (Section 23.54.020 of the Kirkland Zoning Ordinance).

10. Sanitary Sewer. There are presently 8" sanitary sewer lines on all three streets bordering the shopping center.

11. Domestic water. There is a 6" water main along 106th Ave. N.E., a 10" water main along 68th Street, and an 8" water main along 108th Ave. N.E.

E. NEIGHBORHOOD CHARACTERISTICS:

12. Zoning. The subject property is currently zoned Residential Multi-Family (RM-1800). The shopping center on the north and the east is zoned Community Business (BC). Directly to the south of this site is zoned RM-1800. To the west, across 106th Ave. N.E., properties are primarily zoned RM-1800, with properties to the southwest of this site being zoned Single Family Residential (RS 8.5).

13. Land Use. The subject property is currently undeveloped. To the north, east and northeast of the site is the Houghton Shopping Center. To the west of the site and across 106th Ave. N.E., there are multi-family developments. To the southwest of the site are single family residences, with some undeveloped property. Directly south of the site are undeveloped properties.

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Findings, Cont'd

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

14. Pursuant to the Kirkland Planning Commission and City Council review of request for an amendment to the Zoning Map, the following criteria shall be used for the review of such an "Intent to Rezone" application: (Section 23.62.050).

a. "The use or change in zoning requested shall be in conformity with the adopted Comprehensive Plan, the provisions of this Ordinance, and the public interest."

Applicant's response: "The Houghton Shopping Center is a disorganized collection of buildings in an unplanned arrangement which accordingly is a visual detriment to the community. The spaces are no longer physically adequate for the tenants and the citizens of the community are not being as well served as they might.

Therefore, it is our goal to provide, through renovating of the existing building facade and through relocating detached structures into new space, a coordinated, aesthetically pleasing shopping center. A shopping environment which is such that the center would become a community hub would be of benefit to all our citizens. Landscaping will be provided to enhance the image not only of the Center but of the entire Houghton Community and an organized off-street parking facility will provide for easy and convenient access. From all three streets bordering the site."

b. "The use or change in zoning requested in the Zoning Map of the Zoning Ordinance for the establishment of commercial, industrial or residential use shall be supported by an architectural site plan showing the proposed development and its relationship to surrounding area as set forth in the application form and further described under Section 23.62.050."

Applicant's response: "Yes".

c. "An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewer collection or treatment, and storm water controls shall be prepared by the City Planning staff in conjunction with related City Departments as an element of the Administrative Report."

Applicant's Response: None.

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
RECOMMENDED BY _____ DATE March 10, 1977
ADOPTED BY _____ DATE _____

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

FILE NUMBER R-77-8(H)
APPLICANT William Nelson
PROPERTY LOCATION 106th Ave. N.E. south of N.E. 68th Street

SUBJECT Application for Intent to Rezone from RM 1800 to BC
HEARING/MEETING DATE March 21, 1977
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan "C" Existing Conditions "D" Proposed Elevations "E" Application "F" Environmental Checklist/Declaration

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by William Nelson for a Resolution of Intent to Rezone the subject property generally located on 106th Ave. N.E. south of N.E. 68th Street. The applicant wishes to rezone the property from Residential Multi-Family (RM-1800) to Community Business (BC). (Refer to Exhibit "A" - Vicinity Map.)
2. This application would be a part of an overall plan for re-development of the Houghton Shopping Center. Should this Intent to Rezone application be granted, the applicant intends to construct a one-story, 17,000 square foot building on the rezoned property. This building would sit directly west of the building which now houses a bank, supermarket, drug store, and liquor store. In addition to the proposed building on the subject property, the applicant proposes to simultaneously construct a one-story, 6,000 square foot building on the north central portion of the shopping center property. This building would be constructed on property already zoned Community Business and therefore is not part of this application. The applicant also proposes to construct a one-story, 12,000 square foot building along the east side of 106th Ave. N.E. The applicant has indicated that construction of the latter building may not be completed until approximately 1981. (Refer to Exhibit "B" - Site Plan).
3. In addition to construction of three new buildings in the shopping center, the applicant's overall redevelopment proposal includes the demolition of two small buildings which are currently located in the shopping center. (Refer to Exhibit "C" - Existing Conditions).
4. This application constitutes a "major action" as defined by RCW 43.21C and WAC 197-10. The applicant submitted an Environmental Checklist which received a final declaration of non-significance from the responsible official on February 11, 1977.

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. There is a break in the topography between the Thriftway Building and the building which houses the hairstyle salon, sporting goods, and laundry. The elevation difference between the west and east side of this topographic break is approximately 7 feet. (Exhibit "C" - Existing Conditions). The applicant has indicated that this sudden topographic change will be made more gradual with the use of fill material. There is another topographic break which occurs between the pavement in 108th Ave. N.E. and the Thriftway building. This break reaches a maximum elevation difference of approximately 10 feet.

Conclusions, Cont'd

- C. 4. e. Along the west property line, the applicant should be required to space the large deciduous and evergreen materials 15-20 feet on center. This may be accomplished with a mixture of Marshall Seedless Ash and Canadian Hemlock as indicated by the applicant.
- f. All Photinia Fraseri and Mahonia Aquafolium to be planted on the periphery of the shopping center should be a minimum of 36 inches tall at the time of planting.
- g. The applicant should work with the Department of Community Development in a decision whether to provide landscaping or a fence, or both, along the south property line, whatever is best for the community.
- h. The use of beauty bark throughout this project should be limited due to problems it creates in clogging storm drains.

D. PUBLIC UTILITIES:

5. Streets. The east side of 106th Ave. N.E. should be improved by the applicant with a 5 foot concrete sidewalk. In addition, the applicant should be required to sign a "No Protest" agreement for future improvements along the west side of 108th Ave. N.E., prior to the issuance of a building permit for Phase I. The "No Protest" agreement should state that all existing points of access from 108th Ave. N.E. to the site shall continue.

6. Traffic/Access. The Public Service Department has been generally favorable with the proposed points of ingress/egress, and with the internal traffic circulation of the proposed development.

7. Sanitary Sewers/Domestic Water. These factors would not constrain the Kirkland Planning Commission from making either a positive or negative decision on this application.

E. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use. A rezone of the subject property to allow expansion of the Houghton Shopping Center would be compatible with the uses which surround the site. Such a rezone would provide for an organized redevelopment plan of this Center. In addition, the Department of Community Development foresees the opportunity to mitigate existing adverse impacts to surrounding residential neighborhood.

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

9. Pursuant to the criteria to be used in review of an Intent to Rezone application, it is the Department of Community Development's position that:

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Conclusions, Cont'd

- F. 9. a. This application is within the public interest in that it will upgrade an identified primary commercial area in the Houghton community. The Department of Community Development feels that the proposed development will be far superior to the existing shopping center;
- b. The applicant has submitted an architectural plan of the existing shopping center, and one of the proposed modifications to the Center. In addition, the applicant has submitted architectural plans detailing elevations, a survey and a landscape plan supporting this application. The relationship of the plans for the subject property to the surrounding area are discussed in detail in other Findings and Conclusions of this Advisory Report.
- c. The Department of Community Development and the Public Service Department have reviewed the proposed site plan and would recommend the following modifications if this application is approved.
- (1) The applicant should be required to tie a storm drainage retention system into the existing drainage system so that the quality, quantity and velocity of the water leaving the site is substantially the same as that which leaves the site at the present time for a 10-year storm.
- (2) The applicant should be required to contact the serving solid waste utility and locate approved site-screened solid waste disposal systems plan with the Building Permit application.
- d. The Department of Community Development agrees that the rezoning of the subject property is necessary for an orderly re-development of the shopping center. If granted, this application for Intent to Rezone could substantially improve the neighborhood as a whole.
10. The following comments are relevant to discussion of this Intent to Rezone application with the following sections of the Kirkland Zoning Ordinance No. 2183:
- a. Community Business Zone requirements: The proposed development plan as identified in Exhibit "B" conforms to the Community Business (BC) zone requirements regarding setbacks and height.
- b. The proposed parking plan for the subject property does, with the modifications recommended by the Department of Community Development, conform to the Kirkland Zoning Ordinance requirements regarding parking.
- The Uniform Building Code will require one 12'6" (handicap) parking space for each 50 stalls provided on this site, or a total of four 12'6" (handicap) stalls. The four 12'6" stalls will replace six regular stalls.

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Findings, Cont'd

F. 14. d. The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for the type of land classification for which he is applying."

Applicant's Response: "In order to provide a community center which is of such scope and quality that it will serve as an anchor, the Houghton Shopping Center must be improved. The need for a small amount of additional zoned land is crucial to the orderly development of this center. It is very apparent that the citizens of the community, surrounding businesses and the applicant will all benefit from this action."

15. Economic Activities Policy and Discussion from the Central Houghton Area of the Preliminary Land Use Policies Plan are relevant to this application: (Report dated 9/3/76): "The Houghton Shopping Area is the primary retail commercial center for the neighborhood. It contains several convenient stores along both sides of N.E. 68th Street as well as a bank and a state liquor store ... Only 7 of the 10 commercially zoned acres have been utilized for commercial purposes, including the area north of N.E. 68th Street. Since there is commercial land suitable for some commercial expansion and to prevent strip development, additional commitments of land for commercial use is not necessary ... Most of the existing businesses in the shopping center serve primarily neighborhood needs (namely supermarket and drug store). Future development or redevelopment of this commercial land should continue to meet these localized needs. Large office structures or new commercial facilities serving more than neighborhood needs should not be permitted in this area ... The intensity of present community commercial zoning should be reduced to encourage continuation of the neighborhood type business."

"No other economic activities would be permitted in the Central Houghton area."

The new map proposed to accompany the emerging Land Use Policies Plan has indicated that this parcel of property may be developed under a commercial use.

16. This application for an Intent to Rezone will be subject to the following sections of the Kirkland Zoning Ordinance No. 2183.

- a. Community Business Zone Requirements (Section 23.18)
- b. Parking Requirements (Section 23.34).
- c. Landscaping Requirements (Section 23.40), and
- d. Sign Requirements (Section 23.32).

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CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

- 1. The application which has been submitted to the Department of Community Development for review is consistent with the requirements of the Intent to Rezone Provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62.
- 2. Due to the extended period of time which might occur from possible approval date and the completion of the final building (in 1981), an informal review of this project should occur at a 6-month interval to keep the Planning Commission and Houghton Community Council updated on the status of this project.

B. HISTORICAL BACKGROUND: (No relevant conclusions.)

C. EXISTING PHYSICAL CHARACTERISTICS:

- 3. Topography. This factor should not constrain the Kirkland Planning Commission from reaching either a positive or negative decision on this application.
- 4. Vegetation. Although existing natural vegetation is minimal on the side of the shopping center, the applicant should be required to retain substantial materials wherever possible when redeveloping this center.
Because of the lack of substantial existing materials on this site, the applicant has submitted a comprehensive landscaping plan for the entire shopping center. The Department of Community Development staff would recommend the following modifications to that plan:
 - a. All deciduous trees shown should be a minimum of two inches in caliper.
 - b. The English Laurel along the west side of the existing service station should be substituted with Pyramidalis, 4 feet on center, 4 feet tall at the time of planting, and should continue along the south side of the service station.
 - c. The applicant should be required to break up the parking areas with landscaping so that generally no row of stalls contains more than eight cars. Specifically, this refers to the parking area adjacent to the main existing building and the two large areas in the center of the parking lot.
 - d. All Canadian Hemlock should be a minimum of 8-10 feet tall at time of planting and should be placed 15-20 feet on center along the north property line.

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Recommendations, Cont'd

5. Due to the length of time proposed until final completion of the project, the applicant shall meet with the Houghton Community Council and/or Planning Commission on an informal basis to review the progress of this development at a six-month interval from the date of approval.
6. Building permits for Buildings D and E shall include those improvements as listed on Exhibit "B" and the modifications listed in the aforementioned Recommendations. Each phase shall be self-supporting with regard to parking and landscaping, however the applicant may delete those improvements associated with Phase II development of Building F, to include:
 - a. Those parking stalls between Building F and both N.E. 68th Street and 106th Ave. N.E., and
 - b. The peripheral landscaping between Building F and both N.E. 68th Street and 106th Avenue N.E.
7. The subject property shall only be reclassified when the entire shopping complex is completed as proposed in this application. If amendments to this approval are desired, then a formal amendment procedure shall be accomplished with public hearings before both the Kirkland Planning Commission and Houghton Community Council.

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Conclusions, Cont'd

- F. 10. c. Landscaping requirements. The applicant has proposed a landscaping plan which is generally consistent with the spirit and intent of both the emerging Land Use Policies Plan and the Kirkland Zoning Ordinance. Recommended modifications to the proposed landscaping plan are listed under Conclusion 3.
- d. Sign requirements. Prior to the issuance of any Certificate of Occupancy for Phase I construction, all existing non-conforming signs should be abated and brought into conformance with the current zoning regulations. This shall apply to all signs that are too large, above roof elevation, or in any other way non-conforming, and shall include the free standing pole sign on N.E. 68th. The applicant should be permitted to propose face mounted signs, however no other signage will be permitted without submitting a comprehensive signage program for the entire shopping center complex.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "F", we hereby recommend that this "Resolution of Intent to Rezone" application be approved subject to the following conditions:

1. Prior to applying for a Building Permit on the subject property, the following modifications shall be made to Exhibit "B".
 - a. All deciduous trees shall be a minimum of 2" in caliper, whereas all evergreen trees shall be a minimum of 8-10 feet in height.
 - b. English Laurel on the west side of the existing service station should be substituted with Pyramidalis, 4 feet on center, and 4 feet high at the time of planting, and should continue along the south side of the service station.
 - c. The applicant shall make minor modifications to the parking areas and landscape plans so that no row of parking stalls contains generally more than 8 stalls without being interrupted by landscaping. Further, this would specifically refer to those parking stalls adjacent to the "Thriftway" building and the two large areas in the center of the parking lot. A pedestrian pathway shall be provided through said landscaping along the building front as well as a walkway through which patrons may return shopping carts.
 - d. All Canadian Hemlock should be a minimum of 8-10 feet tall at the time of planting and should be placed 15-20 feet on center along the north property line.

Recommendations, Cont'd

1. e. Along the west property line, the applicant shall be required to space Marshall Seedless Ash and Canadian Hemlock 15-20 feet on center.
 - f. All Photinia Fraseri and Mahonia Aquifolia to be planted on the periphery of the shopping center should be a minimum of 36" tall at the time of planting.
 - g. The applicant shall work with the Department of Community Development in a decision whether to landscape, provide a fence, or both, along the south property line, keeping the best interests of the community in mind.
 - h. The use of beauty bark throughout the project shall be limited due to the problem it creates in clogging storm drains.
 - i. The applicant shall contact the serving solid waste utility and locate approved site-screened solid waste containers.
 - j. The applicant will be required to install 12'6" (handicap) parking spaces at a ratio of one per fifty regular parking stalls as required by the Uniform Building Code. These 12'6" (handicap) stalls will be permitted at a ratio of six regular stalls per four 12'6" (handicap) stalls.
2. The applicant shall indicate and install with the Building Permit a five foot wide concrete sidewalk located along 100th Avenue N.E. which shall be constructed with Phase I of this development.
 3. At the time of application for Building Permit on the subject property, the following items shall be submitted with that application:
 - a. Design and calculation for storm water retention system so that the water leaving the site after development is substantially the same as that which is leaving the existing site for a 10-year storm.
 - b. Submit a "No Protest" agreement to installation of sidewalks along 108th Ave. N.E. for the length of the subject property. The "No Protest" agreement should state that all existing points of access from 108th Ave. N.D. to the site shall continue.
 4. Prior to the issuance of any Certificates of Occupancy for Phase I construction, all non-conforming signs shall be abated and brought into conformance with the current zoning regulations (Section 23.34). This shall apply for all signs that are too large, above roof elevation, or in any other way non-conforming and shall include the free-standing pole sign located on N.E. 68th Street. The applicant shall be permitted to propose face-mounted signs which are in conformance with the aforementioned section, however no other signage will be permitted without submitting a Comprehensive Signage Program for the entire shopping complex.