

RESOLUTION NO. R- 2450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-77-40(P), BY KARL CUNNINGHAM FROM RS 7.2 TO PROFESSIONAL OFFICE AND SETTING FORTH CONDITIONS TO WHICH SUCH 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 Karl Cunningham the owner of said property described in said application and located within an RS 7.2 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 11, 1977, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental 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 Chairman thereof and filed in the Department of Community Development File No. R-77-40(P) are adopted by the Kirkland City Council as though fully set forth herein,

Section 2. The 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 RS 7.2 to PO 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.)

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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 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 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 23.62.070 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

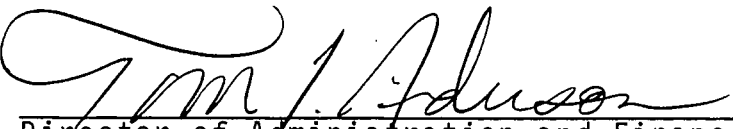
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 6th day of September, 1977.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____

XXX RECOMMENDED BY _____ DATE August 11, 1977

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION _____

____ CITY COUNCIL AS INCORPORATED IN _____

David Russell
David Russell, Chairperson

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER R-77-40(P)

APPLICANT Karl Cunningham

PROPERTY LOCATION 1029 Market Street

SUBJECT Application for "Intent to Rezone" from RS 7.2 to P0.

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan & Landscape Plan "C" Environmental Checklist & Declaration "D" Zoning Map "E" Surveys "F" Application "G" Letter

of Justification "H" Pictures of Site "I" Newspaper Clipping "J" Proposed Development

Rights Easement

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Karl Cunningham for a "Resolution of Intent to Rezone" for lots 1, 2, 3, 4 and the easterly fifteen feet of lot 5, Block 25, Town of Kirkland Plat, which has the common address of 1029 Market Street. This property was formerly known as Time Oil Gas Station. The request of the zoning is from the present zoning of RS 7.2 to Professional Office (PO).
2. The applicant proposes to construct a fourteen foot high, one-story, 3900 square foot professional office building on the subject property as indicated in Exhibit "B" - Site Plan. Lot coverage is approximately 26% of the lot and the building will be of brick veneer and cedar exterior and proposes a split shake roof. The project also includes 13 parking spaces generally oriented to 11th Street West and Market Street. At the present time there are no structures on the site, however there is a large free standing sign which is under an abatement procedure with the Kirkland Building Department.
3. Approval of this application will constitute a "major action" under the provisions of RCW 43.21C and WAC - 197-10. The applicant submitted an Environmental Checklist with the application. After reviewing the Environmental Checklist, the Department of Community Development's Director made a threshold determination that approval of this application will not have any significant adverse impact on the quality of the environment and that an Environmental Impact Statement is not required (May 19, 1977). After the elapse of 15 days following the threshold determination and after reviewing comments submitted by interested parties, the Director of the Department of Community Development, on June 3, 1977, did adopt the proposed declaration as the final declaration of non-significance. (Refer to Exhibit "C").

B. HISTORICAL BACKGROUND: No comments.

C. GOVERNMENTAL COORDINATION:

4. Building Department. This project is in Fire Zone No. 2 and a shake roof will be difficult and expensive.
5. Public Service, Police Departments. Sign needed on exit "Right Turn Only", with arrows through the lot.
6. Park and Fire Departments. No comments.

D. EXISTING PHYSICAL CHARACTERISTICS:

7. Topography. The subject property is generally flat and has a 0-2% slope from 11th Avenue W. and Market St. toward the western corner of the property.

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Findings, Cont'd

- D. 8. Soils/Geology. The generalized soil map shows that the subject property is located within an Alderwood Arents Material. Generalized geology map indicates the subject property to be within an area of Vashon Till (Qt).
9. Vegetation. Existing vegetation on the subject property is generally that of single family residence, however, much of the site is overgrown. There are some substantial locust and oak trees on the site.

E. PUBLIC UTILITIES:

10. Streets. The subject property fronts on 3rd Ave. W., Market St., and 11th St. W. Market St. is designated as a primary arterial, whereas 3rd Ave. and 11th St. are identified as neighborhood streets. All three streets have fully improved right-of-ways with a five foot concrete sidewalk along all frontages.
11. Traffic/Access. Access to the property would be from 11th Ave.W. and exit on Market Street. Traffic flows on Market Street are fairly high 31000 ADT (average daily traffic)(1976), whereas 3rd and 11th are less than 490 ADT (1976).
12. Sanitary Sewer. The subject property is already served with a sanitary sewer. The subject property is served off of 3rd St. W.
13. Domestic Water/Fire Hydrants. The subject property is served with a 6" water line located at 11th Ave. W. with a 5" fire hydrant located on the north corner near the intersection of 11th and Market Streets.
14. Storm Drainage. There is an improved storm drainage system located within all abutting right-of-ways.
15. Pedestrian Way. The subject property abuts a 5 foot concrete sidewalk along all three streets.
16. Public Transportation. The subject property is served by Metro Transit Routes 240 and 255 which use Market Street.

F. NEIGHBORHOOD CHARACTERISTICS:

17. The subject property is presently zoned Residential Single Family (RS 7,200) as are all adjoining lots on the same block. There is Professional Residential zoning located on the west side of Market Street with RM-3600 zoning located on the east side of Market Street as indicated in Exhibit "D".
18. Land Use. Adjacent lots in the same block are all single family. Professional office buildings are located on the west side of Market St., with a number of multi-family apartments located on the eastern side. Single family residences are located on both sides of the street between the apartments and offices.

8/11/77

7/20/77 bk

R. 2450

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

19. Pursuant to the Kirkland Planning Commission and City Council review of a request for amendments 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, revisions of this Ordinance, and the public interest.

Applicant's response: "Yes. One story professional office building design such that it will appear to be a one family ranch style dwelling. Ample off-street parking. Building design to preserve large locus tree. Ample professional landscaping. Minimum of traffic as we are not a clinic and do not deal retail. Comforms with Market Street development."

- 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 architectural site plans showing the proposed development and its relationship to the surrounding areas set forth in application form and fully described in Section 23.62.030.

Applicant's response: "Yes. See attached"

- c. An analysis of physiographic elements, existing and planned useful services including water supply (domestic and emergency demand), sewage collection or treatment, and storm water control shall be prepared by the City Planning Department in conjunction with related City developments as an element of the administrative report.

Applicant's response: None

- d. The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for the type of plan classification for which he has applied.

Applicant's response:

(1) This proposal is aesthetically the most desirable use possible for this property. It is not feasible or desirable for new residential because of the heavy traffic pattern on Market St. It is less desirable from a neighborhood standpoint for a 2 story 5 to 7 unit apartment building.

(2) This proposal is not a real estate development as an investment or for resale, but as an occupant. It is to be custom designed and built for my business for 20 plus years ahead.

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FINDINGS (Cont.)

- G. 19. d. (3) " This proposal is in compliance with the new land use plan and Market Street plan. I'll work with and comply with whatever requests the City proposes. This proposal will substantially upgrade the neighborhood.
- (4) This proposal for a 3900 square foot structure is substantially less than the 35% land cover specified in the code. The property is 15,054 square feet. By building a much smaller building we have allowed ample space for off-street parking and substantial landscaping.
- (5) The proposed one story low profile dwelling type structure has been designed so we do not have to disturb a very large old locus tree on the northwest side of property. Hopefully, some other small trees will not be destroyed when the city demolishes the existing buildings on the property.
- (6) This proposal will result in less density than any other use. I have 10 employees, 5 of whom drive automobiles to the office. We do no retail business and we don't deal with the public so there is not a flow of people and cars driving in and out as there would be in an apartment house, medical clinic, etc. We are closed at 4:30 p.m. each day as well as weekends and holidays.
- (7) The proposed building will in appearance be a low rambler type dwelling. It will blend into the neighborhood to the west 100%. It will substantially upgrade the immediate neighborhood. Across the street and within a block on Market Street are several apartment buildings and a professional office.
- (8) I have been a local Kirkland resident for 15 years. Last year I resigned a life long position in Seattle in order to start my own business in Kirkland. I am concerned about the proper development of the Kirkland area. This is why I'm willing to spend more money on this project for a smaller building, substantial professional landscaping and ample off-street parking so that this project is compatable with the land use plan and the community.
- (9) In Kirkland there is not a building or space available (approx. 3900 square feet) with adequate off-street parking. For new construction and office occupancy I have investigated other lots and this proposal is the only one which satisfies the City objectives, is aesthetically and environmentally desirable and will serve the space requirements of my business. (We are a property/casualty General Agency. Our function is to place insurance in U. S. and European Markets for local agents and brokers.) "

8/11/77

7/20/77 jp

R-2450

FINDINGS, (Cont.)

- G. 19. d. (10) "Construction will consist of brick and cedar siding and split shake cedar roof so as to appear as a dwelling and blend in with neighborhood."
20. This application for a "resolution of intent to rezone" will be subject to the following additional sections of the Kirkland Zoning Ordinance No. 2183:
- a. Professional office zone requirements (Section 23.14)
 - b. Parking requirements (Section 23.34)
 - c. Landscaping requirements (Section 23.40)
21. This application will also be subject to the following portions of the Land Use Policy Plan:

Economic Activities Element Policy 1 and 3

Market Street Neighborhood Area

"All new office development in the Market Street corridor must also meet the following standards:

- (a) Structures adjacent to single family areas, may not exceed a height normally associated with single family houses. The height of structures should be kept as low as possible as measured from Market Street to prevent significant view obstructions.
- (b) Development along Market Street should not significantly alter the exterior appearance of historic buildings. Restoration of such buildings is encouraged.
- (c) Signing and lighting are to be controlled to be compatible with surrounding scale.
- (d) Primary vehicular access must be directly to and from Market Street or side streets.
- (e) Office development is required to provide large densely landscaped setbacks as a visual buffer between residential and non-residential uses. Parking would not be allowed in this setback area.
- (f) The dedication of development rights to the City in the required buffer strip around the development facing the low density residential areas."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application which has been submitted to the Department of Community Development to review is consistent with the requirements of the Intent to Rezone provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62. Consideration should be given to accelerate the abatement of the existing sign, and no building permits shall be issued until the existing sign is removed.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/Soils/Geology. None of these factors would constrain the Kirkland Planning Commission from reaching either a positive or a negative decision on this application.
3. Vegetation. Where applicable, existing vegetation should be maintained to the maximum possible extent to retain the single family character and due to the age of that material. Further, existing materials shall be accurately located on the landscaping plan to be submitted with the building permit application.

D. PUBLIC UTILITIES:

4. Streets. The Public Service Department has indicated that this project should have little overall impact on the surrounding streets as far as traffic volume.
5. Traffic/Access. The Police, Fire and Public Service Departments find the access points and internal circulation pattern within this project adequate with the addition of the signing and striping previously noted. This use should have far less impact on surrounding properties than this site's previous use as a gas station.
6. Sanitary Sewers/Domestic Water/Fire Hydrants/Pedestrian Ways/Public Transportation. None of these factors would constrain the Kirkland Planning Commission from making either a positive or a negative decision on this application.
7. Storm Drainage. If this application is approved, the Department of Community Development would recommend the applicant be required to tie a storm water retention system into the existing drainage system so that the quality and velocity of the water leaving the site from a 10-year storm will not be greater than that which leaves the site at the present time.

Conclusions, Cont'd

E. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use. Development of this site as a professional office use would not be inconsistent with the general mix of uses found along Market Street corridor. At the present time there are other properties along Market Street which are used for a professional office use of similar character. The following conclusions regarding this property is in conformance with the spirit and intent of the Kirkland Zoning Ordinance and Land Use Policies Plan would indicate the proposed project may have a number of positive aspects which should not adversely impact the adjoining residences. The proposed use is of much lesser intense activity than the previous Time Oil Station which was located on the subject property. This action should be construed as identifying a terminus of non-Single Family land use activity in this block and on the west side of Market Street. This type of rezone process will, over a longer period of time, establish the limits of non-residential land use on the westerly edge of Market Street in conformance with the adopted Land Use Policies Plan, through careful public consideration.

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

9. The following discussion is applicable to the criteria to be used in review of an intent to rezone application:
- a. This application is consistent with the adopted Land Use Policies Plan due to the fact that this rezone application conforms to the following:
- (1) The proposed performance standards and the economic activities section,
 - (2) Location of a small office along Market Street which is one story in height, and of residential styling and character,
 - (3) By directly abutting Market Street traffic off Market Street and not through adjoining single family neighborhood.
 - (4) Public Service Department has indicated that additional traffic generated from this proposed development should not adversely impact existing traffic flow or pattern of adjoining side streets.
- b. The applicant has submitted an architectural site plan of the proposed structure including elevations, survey and landscaping plans according to this application. The relation of those plans to the surrounding area are discussed in detail in another conclusion.

Conclusions, Cont'd

- F. 9. c. The Department of Community Development and Public Service Department have reviewed the proposed site plan and would recommend the aforementioned modifications should be conditions of approval if that application is approved:
- (1) Design and construction of a storm water retention system for a ten year storm should be submitted with the Building Permit application.
 - (2) The applicant should be required to contact utility and locate a site screened solid waste receptacle with the Building Permit application.
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. Professional Residential Zoning Requirements: The proposed development plans identified in Exhibit "B" conforms to the Professional Office requirements including setbacks, height, and lot coverage.
 - b. Parking and Loading Requirements: The proposed parking plan for the subject property meets the requirements of the Kirkland Zoning Ordinance, however, the plans should be modified to include one 12 1/2 foot handicapped parking stall which should be signed as such.
 - c. Landscaping Requirements: The applicant has proposed a landscaping plan which is consistent with the spirit and intent of both the Land Use Policies Plan and the Kirkland Zoning Ordinance. However, recommended modifications to the proposed landscaping plan include the following:
 - (1) Along the westerly and southerly property lines a 10-foot landscaping buffer area should be provided including one row of evergreen trees 10-15 feet on center being 8-10 feet in height. This shall be integrated into existing vegetation. The maximum height of this material should be 25 feet at maturity.
 - (2) The applicant shall be permitted to landscape up to the existing sidewalk along all right-of-ways as recommended to do so.
11. Conclusion 9 discusses this applicant's general conformance with the Economic Activities Policy of the Land Use Policies Plan. The following discusses the applicant's conformance with the Market Neighborhood portion of the Land Use Policies Plan:

8/11/77

7/20/77 bk

R-2450

Conclusions, Cont'd

- F. 11. a. If a substantial landscaping buffer is provided along the west and south boundary line combined with either the dedication of air rights or dedication of development rights in this area, then a definite visual and physical edge could be created separating adjacent uses. This should allay residents' fears regarding further encroachment of the single family area and reduce potential blighting effects of these activities along Market Street.

This property should be the furthest extent of any multi-family or professional office uses in this block. The property fronts on Market Street and is visually and physically oriented to the activity along that street. The proposed structure is consistent with single family residences in this area regarding character of the building, height, size and type of architecture.

- b. Proposed signing should be limited to Market Street with either a maximum 39 square foot sign on the building and/or a ten square foot ground mounted sign as provided for in Section 23.32.030 and not obstructing view from the corner of 11th Ave. W, southward.
- c. Lighting from the property should be oriented away from existing residences or toward Market Street and should not be mounted on tall poles.
- d. Entrances and exits should be appropriately signed and striped whereas the applicant should provide a stop sign on the exit on the egress point with a sign indicating no left turn.
12. Consistent with the Rezone application approved for the Kilburn Clinic in DCD*File R-76-67(P) and approved by the City Council in R-2416 on February 7, 1977, the applicant should provide a 10 foot development rights easement along the west and south property. Such an easement would be consistent with the proposed site plan, Exhibit "J". The applicant would therefore need to record a document similar to Exhibit "J" which would prohibit use of this area for anything other than that which is shown on Exhibit "B" - Site Plan. Such a document should be recorded with the King County Department of Records and Elections prior to the issuance of any Building Permit on the site.

*Department of Community Development

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RECOMMENDATIONS:

Subject to the foregoing Findings and Conclusions and as identified in Exhibits "A" through "J", we hereby recommend approval of this application for a "Intent to Rezone" subject to the following conditions:

1. Due to the unique locational characteristics of the subject property, this shall be the only non-single family use within Block 25, Town of Kirkland Plat.
2. Prior to applying for a Building Permit, the applicant shall modify the proposed site plan and landscaping plan to include the following:
 - a. Contact the serving solid waste utility and locate an approved site screened solid waste dumpster.
 - b. The applicant shall be permitted to landscape up to the existing sidewalk on all right-of-ways and is recommended to do so.
 - c. Proposed signing which will be limited to the location identified in Exhibit "B" and shall be no larger than 10 square feet in size and not obstructing the view from the corner of 11th Ave. W. southward.
 - d. Proposed lighting plan shall be submitted which directs light toward Market Street. Further, fixtures shall include low lighting; be directed away and shielded from adjoining properties. Further, these elements shall not be located on tall poles.
 - e. Applicant shall be required to sign ingress and egress points as entrance and exits only with appropriate striping through the parking lot area. Further, at the egress point, there shall be a stop sign, and a "Right Turn Only" sign.
 - f. The applicant shall design and construct a storm water retention system which will not increase the velocity or quantity, or decrease the quality of the water leaving the site at the present time for a 10-year storm.
 - g. Proposed parking plan as identified in Exhibit "B" shall be modified to include one 12 1/2 foot handicapped parking stall which shall be signed as such.
 - h. Landscaping plan on Exhibit "B" shall be modified to include one row of evergreen trees 10-15 feet on center, being 8-10 feet in height along the west and south property lines. The maximum height of these materials at maturity shall not be more than 25 feet. This material shall be integrated into existing vegetation.

Recommendations, Cont'd

2. i. Access point onto Market Street should be located to the south of the crosswalk toward 3rd Street and modified as necessary.
- j. The applicant shall be required to retain and identify all existing vegetation that can be used as landscaping in the revised landscaping plan.
3. Prior to obtaining a Building Permit or Occupancy Permit for the subject property, the applicant shall record a Quit Claim Deed similar to Exhibit "J" which indicates a legal description of the subject property where development rights are being conveyed to the City. This document shall include a map of the same and identify it as Exhibit "A". Said legal description and map shall indicate the southerly and west 10 feet of the subject property. A copy of this recording shall be filed with the City Clerk of the City of Kirkland and a copy shall be provided to the Department of Community Development.
4. Prior to the applicant receiving any Building Permit from the subject property the existing sign on the subject property shall be removed in its entirety.