

RESOLUTION NO. 2458

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-77-52 (P), BY JAMES JACOBSON TO CONSTRUCT A 12-UNIT APARTMENT DEVELOPMENT BEING WITHIN AN RS 8500 ZONE, 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 James Jacobson, the owner of said property described in said application and located within a RS 8500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meetings of August 25, 1977 and September 8, 1977 respectively, 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 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 Chairman thereof and filed in the Department of Community Development File No. R - 77 - 52 (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 8500 to RM 3600 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 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 . 120 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 19th day of September , 1977 .



Mayor pro tem

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE September 8, 1977
___ ADOPTED BY _____ DATE _____

___ STAFF _____
___ BOARD OF ADJUSTMENT _____
___ HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION _____
___ CITY COUNCIL AS INCORPORATED IN _____

David Russell
David Russell, Chairperson

___ RESOLUTION _____ ORDINANCE
NUMBER _____
DATE _____

FILE NUMBER R-77-52(P)
APPLICANT James Jacobson
PROPERTY LOCATION N.E. 68th St. (north side) at 110th Ave. N.E.
SUBJECT Rezone for 12-unit apartment complex from RS 8.5 to RM 3600.
HEARING/MEETING DATE September 19, 1977
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan "D" Site Plan and Proposed Site Landscape Plan

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Jacobson Homes, Inc. for a Resolution of Intent to Rezone that property described as Tax Lot 64 in the southeast quarter of Section 8, Township 25 North, Range 5, E.W.M. and as identified in Exhibit "B" - Vicinity Map.
2. The applicant requests a change in zoning from residential single family, 8500 square feet, to residential multi-family, 3600 square feet.
3. The applicant proposed to build two six-unit, three-story apartment buildings on the subject property. These buildings will obtain access from NE 68th Street.
4. 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 this application. After reviewing the Environmental Checklist, the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality of the environment and that an Environmental Impact Statement is not required (on July 18, 1977). After the lapse of 15 days following the threshold determination and after reviewing comments submitted by the interested parties, the Director of the Department of Community Development adopted the proposed declaration as a Final Declaration of Non-significance on August 2, 1977.

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. The slope is approximately 5% from the east to the west.
6. Soils/Geology. The generalized soil map shows the subject property to be an Alderwood soil, whereas generalized geologic mapping of the subject property locates it within an area of Vashon Till.
7. Vegetation. Existing vegetation on the subject property consists of various evergreen and deciduous trees plus some shrubs and field grasses (refer to Exhibit "D").

D. PUBLIC UTILITIES:

8. Streets. The subject property fronts on NE 68th Street, which is identified as a secondary arterial. NE 68th Street contains a 60-foot right-of-way, is improved to approximately 55 feet of its full width and contains a storm drainage system.

Findings, Continued:

- D. 9. Traffic/Access. The applicant proposes to obtain access off of NE 68th Street through the use of an access point located along the southern property line (refer to Exhibit "C" - Site Plan). The site distance from the access point to the curve on NE 68th Street east of the access point is approximately 100 feet.
10. Sanitary Sewer. There are existing sanitary sewer lines in the right-of-way of NE 68th Street, which could be extended to adequately serve the subject property.
11. Domestic Water. There is an existing eight inch water main located in the right-of-way of NE 68th Street.
12. Fire Hydrants. The Department of Fire Services will require an on-site fire hydrant on NE 68th Street.
13. Pedestrian Ways. There is no pedestrian way abutting the subject property on NE 68th Street.
14. Public Transportation. The subject property is currently served by METRO Transit Routes 251 and 255.

E. NEIGHBORHOOD CHARACTERISTICS:

15. Zoning. The subject property is presently zoned RS-8,500. The properties immediately surrounding the subject property are zoned RM-3600. Approximately 100 feet northwest of the subject property are properties zoned RS-8,500.
16. Land Use. The subject property is presently vacant. There are existing multi-family residences located to the east, north, and south of the subject property, and a multi-family residence is being constructed on the property immediately to the west of the subject property.

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

17. Pursuant to the Kirkland Planning Commission and the City Council review of the request for 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 adopted comprehensive plan denotes RM-3600 zoning in this area. Prior to zone change of all RM-1800 to RM-3600 this property sat completely surrounded by multiple zoned property."

Findings, Continued:

- F. 17. 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 the surrounding area as set forth in application form and further described under Section 23.62.030."

Applicant's response: "Yes."

- c. "An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and fire demand), sewage collection or treatment, and storm water control 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.)

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

Applicant's response: (None.)

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

- a. Residential Multi-family Zone Requirements (Section 23.10),
- b. Parking Requirements (Section 23.34), and
- c. Landscaping Requirements (Section 23.40).

19. On May 20, 1974, the City Council approved Resolution No. R-2249 which concluded that the comprehensive plans for the former cities of Kirkland and Houghton no longer reflect currently held values in the community with regard to planning and land use development. Further, this Resolution recognizes that a new Land Use Policies Plan or comprehensive plan should be prepared. The former land use classification for this area under Ordinance No. O-730(K) was "Multiple Housing".

20. The following are appropriate policies and policy discussions from the Land Use Policies Plan and are relevant to this application:

Living Environment, Policy 2 and Policy Discussion. (Pages 56, 57 and 58a)

Findings, Continued:

F. 20. Neighborhood Discussion, Everest Area (Refer to Page 253)

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is consistent with the requirement of the "Intent to Rezone" provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/Soils/Geology/Vegetation. None of the aforementioned factors should constrain the Kirkland Planning Commission from reaching either a positive or negative decision on this application. Where applicable, existing vegetation should be maintained to maximum extent possible and integrated into the landscaping plan at the time of Building Permit application.

D. PUBLIC UTILITIES:

3. Streets. The Public Service Department has indicated that the street frontage along NE 68th Street does not need to be improved at this point.
4. Traffic/Access. The site distance east along NE 68th Street from the access point is inadequate for safe automobile travel between the subject property and NE 68th Street. The applicant should be required to relocate the access to this parcel in such a manner which will optimize traffic visibility. The best method by which to accomplish this appears to involve accessing the subject property through the property to the west. This access route would best be located between the two buildings proposed for this development and accessing through the parking lot of the western property. Such a configuration would add approximately 150 feet to the sight distance for vehicles leaving this development.

The relocated access road should be landscaped in accordance with Section 23.40.040 of the Kirkland Zoning Ordinance.

5. Sanitary Sewer. Sewers would be extended at the owner's expense to serve the subject property at the time of development.
6. Domestic Water/Fire Hydrants. The subject property would be charged the appropriate fees for water connections, which will include necessary fire hydrants, at the time of development.
7. Pedestrian Ways. The Department of Community Development and the Public Service Department would recommend that a five-foot concrete sidewalk be located adjacent to the property line on NE 68th Street.

Conclusions, Continued:

E. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use. Development of this property in a multi-family type configuration as proposed would appear to be consistent with Land Use Policies Plan designations for this area.

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

9. Following discussion is applicable to the criteria used in the review of such a Resolution of Intent to Rezone application (Section 23.62.050).

- a. This application is consistent with the Land Use Policies Plan regarding multiple family density. Further, this "Intent to Rezone" application does generally conform to the appropriate policies of the Land Use Policies Plan as discussed in the following conclusions.

- b. The applicant has submitted an architectural plan of the existing subject property, site plan, elevation, survey and landscaping plans to support this application. The relationship of those plans to the surrounding area are discussed in detail in the following conclusions.

- 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 the storm water 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 ten-year storm.

- (2) The applicant should be required to contact the serving solid waste utility and locate an approved site screening solid waste disposal system with the Building Permit plan application.

- d. No Need Analysis was submitted with this application.

10. The following comments are relevant to the discussion of this "Intent to Rezone" application for the following sections of the Kirkland Zoning Ordinance No. 2183:

- a. Residential Multi-family Zone Requirements: Proposed development plan as identified in Exhibit "C" conforms to the existing Residential Multi-family zone requirements regarding setbacks, height, and lot coverage.

- b. The proposed parking plan for the subject property generally conforms to the Kirkland Zoning Ordinance regarding parking standards.

Conclusions, Continued:

- F. 10. c. Landscaping Requirements. The applicant should be required to landscape the subject property in a manner consistent with the landscaping on the properties to the west and north.
11. The applicant will be required to make appropriate deposit into the "Fee in Lieu of Open Space" account of the Park and Municipal Facilities Cumulative Reserve fund as required by Section No. 23.10.110 of the City of Kirkland Zoning Ordinance No. 2183. The applicant is proposing to construct 12 multi-family units whereas 12.23 units would be permitted at a density of Residential Multi-family 3600 square feet.

RECOMMENDATIONS:

Subject to the foregoing Findings, Conclusions and Exhibits "A" through "D", we hereby recommend that the Resolution of Intent to Rezone application be approved subject to the following conditions:

1. The applicant shall contact the serving solid waste utility and locate approved site-screened solid waste containers.
2. A four-foot wide screen along the east property line shall be continuous and utilize existing vegetation where possible. Said four-foot wide screen shall be of English Laurel planted four feet on center. A similar four-foot wide screen shall be placed adjacent to the south side of the parking area.
3. The applicant shall redesign the parking facility to eliminate the proposed direct access onto NE 68th Street. The recommended alternative would be access from the parking area on the applicant's property to the west of the subject property, the access road preferably being placed between the two proposed buildings. Particular care should be taken to insure that setbacks, the stream, and major trees remain untouched by such an alignment. The relocated access road shall be landscaped in accordance with Section 23.400.040 of the Kirkland Zoning Ordinance.
4. The applicant shall provide a five-foot wide concrete sidewalk adjacent to the property line on NE 68th Street.
5. At the time of application for a Building Permit on the subject property, the following items shall be submitted with that application:
 - a. Design and calculations for a storm water retention system capable of managing a ten-year storm. The system will be designed so that the quantity and quality of water leaving the site after development will be the same as the water leaving the site at pre-development for a 10-year storm. The system shall be provided with an oil and sediment separator system.

- b. Make an appropriate deposit into the "Fee in Lieu of Open Space" account of the Park and Municipal Facilities Cumulative Reserve Fund as required by Section 23.10.110 of the Kirkland Aoning Ordinance No. 2183.
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5. c. The applicant will be required to pay appropriate fees for both water and sewer connections.