

RESOLUTION NO. R- 2480

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-77-80(P), BY PAUL KIRK TO REZONE PROPERTY FROM RS 7.2 TO PR BEING WITHIN AN RS 7.2 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 Paul Kirk 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 November 17, 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 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-77-80(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 PR 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 23.62.070 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

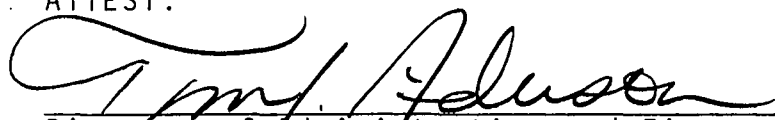
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 5th day of December , 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 November 17, 1977

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION _____
Robin Mullis, Vice Chairperson, for:
David Russell, Chairperson

____ CITY COUNCIL AS INCORPORATED IN

X RESOLUTION _____ ORDINANCE

NUMBER R-2480

DATE _____

FILE NUMBER R-77-80(P)

APPLICANT PAUL KIRK

PROPERTY LOCATION SW corner 5th Ave. W. and Market St.

SUBJECT REZONE FROM RS 7.2 to Professional Residential (PR)

HEARING/MEETING DATE December 5, 1977

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan
"D" Survey

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Paul Kirk for a Resolution of Intent to Rezone that property described as lot 11, Block 7, Town of Kirkland Addition and as identified in Exhibit "B" - Vicinity Map.
2. The applicant requests a change in zoning from Residential Single Family, 7200 square feet, to Professional Residential.
3. The applicant proposes to build an 18 - 20 foot high (two story), approximately 6000 square foot office building on lots 8, 9, 10, and 11. The applicant proposes access from 5th Avenue W. and from the alley to the west of the property.
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 on the quality of the environment, and that an Environmental Impact Statement is not required (on September 21, 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 October 6, 1977.

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. The grade is approximately 6 percent sloping down from north to south.
6. Soils/Geology. The generalized soil map shows the subject property to be an Arents 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 a few deciduous trees plus the normally associated undergrowth.

D. PUBLIC UTILITIES:

8. Streets. Lots 8 and 9 of the subject property front on Market Street, while lots 10 and 11 of the subject property front on 5th Avenue W.
9. Traffic/Access. The applicant proposes to obtain access off of 5th Avenue W. and also the alley to the west of the subject property.

Statements of Fact, Continued

- D. 10. Sanitary Sewer. There are existing sanitary sewer lines in the right-of-ways of 5th Avenue W. and Market Street, which could be extended to adequately serve the subject property.
11. Domestic Water. There is an existing 6-inch water main located in the right-of-way of Market Street.
12. Fire Hydrants. There is an existing fire hydrant on the southwest corner of 5th Avenue W. and Market Street.
13. Pedestrian Ways. Sidewalks abutting the subject property currently exist along 5th Avenue W. and Market Street.

E. NEIGHBORHOOD CHARACTERISTICS:

14. Zoning. Lots 8, 9, and 10 of the subject property are presently zoned PR. Lot 11 of the subject property is presently zoned RS-7200. Properties to the west and northwest of the subject property are currently zoned RS-7200. Properties to the east of the subject property, across Market Street, are zoned Professional Residential. Properties to the north along Market Street are zoned Community Business.
15. Land Use. The subject property is presently vacant. The property to the south currently contains a retail-office building. To the east of the subject property, across Market Street, are single family residences. A non-conforming duplex currently exists on the property immediately northwest of lot 11. Single family residences exist to the west and northwest of the subject property. Retail uses currently exist along Market Street to the north of the subject property.

The City has been advised that a discrepancy might exist between a previous survey of the property immediately south of the subject property and the present survey of the subject property.

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

16. 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, provisions of this Ordinance, and the public interest."

Applicant's Response: "No. Lot 11 at present area of 50 feet times 102 = 5100 square feet is non-conforming to present zoning of RS 7200 square feet. The house on lot 12 is duplex with single family residences to the north. Directly across 5th Avenue is commercial use. Owners will plant 10 foot buffer strips between parking and the duplex. Lot 11 at present is non-conforming as it is 5100 square feet and

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Statements of Fact, Continued

- F 16. a. its zoning is RS 7200 square feet. It is sandwiched between a duplex to the north and PR zoning to the south."
- b. "The use or change in the 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 as 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. Owners further agree to Quit Claim Deed all development rights of the north 40 feet of lot 11, except parking to the City of Kirkland."

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

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

- a. Professional-Residential Zone Requirements (Chapter 23.14)
b. Parking Requirements (Chapter 23.34), and
c. Landscaping Requirements (Chapter 23.40).

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

Market Area, Living Environment and Economic Activities. (Page 281 and Addendum 20)

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is consistent with the requirement of the "Intent

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Conclusions, Continued

- A. 1. to Rezone" provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62 and is generally consistent with the Land Use Policies Plan.
- 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 the 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 frontages along 5th Avenue W. and Market Street do not need to be improved at this point.
4. Traffic/Access. Parking access from the alley to the west of the subject property should be eliminated. The applicant's proposed access plan would cause increased traffic in the alley thus creating adverse impacts on the single family residences to the west.
5. Sanitary Sewers/Domestic Water/Fire Hydrants/Pedestrian Ways. None of these factors would constrain the Kirkland Planning Commission from making either a positive or negative decision on this application.
6. 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 water leaving the site from a storm having an intensity equal to or less than a ten-year storm will not have a lesser quality or greater quantity than that which currently leaves the site under identical storm conditions.
- E. NEIGHBORHOOD CHARACTERISTICS:
7. Zoning/Land Use. Development of this site as a professional office use would be consistent with the general mix of uses found along the 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.
- F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
8. The following discussion is applicable to the criteria to be used in review of an Intent to Rezone application:

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Conclusions, Continued

- F. 8. 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) Addendum 20
 - (2) Location of a small office along Market Street which is of residential styling and character.
- 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 is discussed in detail in another conclusion.
- c. The Department of Community Development and the Public Service Department have reviewed the proposed site plan and would recommend that the aforementioned modifications be conditions of approval if that application is approved. In addition:
- (1) Design and construction of a storm water retention system for all storms equal to or less than a ten-year storm should be submitted with the building permit application.
 - (2) The applicant should be required to contact the serving utility and locate a site screened solid waste receptacle with a building permit application.
9. The following comments are relevant to the 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 meets 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 the landscaping buffer along the alley and one 12 ½ foot handicapped parking stall, which should be signed as such.
 - c. Landscaping Requirements: Recommended modifications to the applicant's proposed landscaping plan include the following:
 - (1) Along the subject property line adjoining the alley a ~~ten~~ 4 ten-foot landscaping buffer area should be provided including one row of evergreen trees 10-15 feet on center being 8-10 feet in height. The maximum height of this material should be 25 feet at maturity.
 - (2) The applicant should be permitted to landscape up to

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Conclusions, Continued

F. 9. c. (2) the existing sidewalk along all right-of-ways and should be advised to do so.

10. The following discusses the applicant's conformance with Addendum 20 of the Land Use Policies Plan:

a. If a substantial landscaping buffer is provided along the northwest property line of lot 11, the southwest property lines of lots 10 and 11, and the west property lines of lots 8 and 9, 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 into the single family area and reduce potential blighting effects of these activities along Market Street.

This property should be the farthest western 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 the character of the building, height, and size.

b. Lighting from property should be oriented away from existing residences or towards Market Street and should not be mounted on tall poles.

c. Proposed signing should be limited to Market Street with either a maximum 60 square foot sign on the building or a 10 square foot ground mounted sign as provided for in Section 23.32.030 and not obstructing view from the corner of 5th Avenue W., southward.

11. Consistent with the Rezone application approved for Carl Cunningham in the Department of Community Development file R-77-40(P) and approved by the City Council in R-2450 on September 6, 1977, the applicant shall record a Quit Claim Deed 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. Said legal description and map shall indicate the northwest ten feet of lot 11, the southwest ten feet of lots 10 and 11, and the west ten feet of lots 8 and 9. 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.

RECOMMENDATIONS:

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

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Recommendations, Continued

1. Prior to issuance of 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 advised to do so. At the time of Building Permit application the applicant shall submit a landscaping plan for the subject property.
 - c. The proposed landscaping shall be modified to include one row of evergreen trees ten to fifteen feet on center, being 8 to 10 feet in height along the northwest property line of lot 11, the southwest property lines of lots 10 and 11, and the west property lines of lot 9. The maximum height of these materials at maturity shall not be more than 25 feet.
 - d. All parking access from the alley to the west of the subject property shall be eliminated.
 - e. A proposed lighting plan shall be submitted which directs light towards Market Street. Fixtures shall be directed away and shielded from adjoining properties, and these elements may be located either on the building or on poles that are no higher than the proposed structure.
 - f. The proposed parking plan in Exhibit "C" shall be modified to include one 12½ foot handicapped parking stall which shall be signed as such.
 - g. The applicant shall design and construct a storm water retention system so that the water leaving the site from a storm having an intensity equal to or less than a ten-year storm will not have a lesser quality or greater quantity than that which currently leaves the site under identical storm conditions.
 - h. Proposed signing shall not obstruct the view southward from the corner of 5th Avenue W. and Market Street.
2. Prior to issuance of Building Permit or an Occupancy Permit for the subject property, the applicant shall record a Quit Claim Deed which indicates a legal description of the subject property where development rights are being conveyed to the City. The document shall include a map of the same. Said legal description and map shall indicate the northwest ten feet of lot 11, the southwest 4 feet of lots 10 and 11, and the west 10 feet of lots 8 and 9. 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.
3. Prior to issuance of a Building Permit the applicant shall post a bond to insure that the required landscape improvements are made and that any vegetation which does not survive the first year will be replaced.

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