

RESOLUTION NO. R-2518

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-78-17(H), BY WILLIAM C. NELSON TO REZONE PROPERTY ON 106TH AVENUE NE SOUTH OF NE 68TH STREET FROM RM-1800 (RESIDENTIAL MULTI-FAMILY) TO BC (COMMUNITY BUSINESS), 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 William C. Nelson, the owner of said property described in said application and located within a 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 4/4/78 and 4/13/78, respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy of the State Environmental Policy Act, an environmental checklist 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 checklist 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 checklist and negative declarations 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-78-17(H) are adopted by the Kirkland City Council as though fully set forth herein; provided that the following recommendations of the Planning Commission are not adopted: "1-d, 1-g, and 7"; and further provided that; (a) no more than two well defined access points or driveways be located providing ingress and egress from N.E. 68th Street; and (b) the applicant shall work with the Department of Community Development on the decision to landscape, provide a fence, or both, along

the south property line, keeping the best interests of the community in mind.

Section 2. The City Council 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 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.

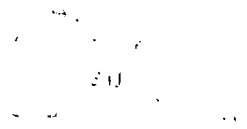
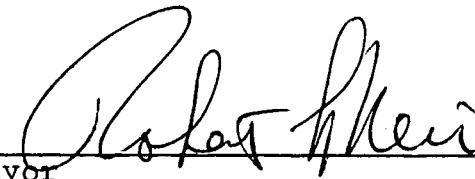
Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Intent to Rezone permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval 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) Park Department of the City of Kirkland
- (g) Public Service Department of the City of Kirkland
- (h) 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 1st day of May, 1978.

SIGNED in authentication thereof on the 1st day of May, 1978.

Mayor

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 April 13, 1978

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

David Russell
David Russell, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-78-17(H)(P)

APPLICANT WILLIAM C. "BUFF" NELSON

PROPERTY LOCATION 106th Ave. N.E., south of N.E. 68th St.

SUBJECT APPLICATION FOR INTENT TO REZONE FROM RM-1800 to BC

HEARING/MEETING DATE May 1, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Existing Conditions
"D" Current SitePlan Proposal "E" Previously Approved Site Plan "F" Elevation of
Current Proposal "G" Landscape Plan "H" Revisions to Landscape Plan

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 Avenue NE south of NE 68th Street. The applicant wishes to rezone the property from Residential Multi-family (RM-1800) to Community Business (BC). (Refer to Exhibit "B" - Vicinity Map.)
2. This application would be a part of an overall plan for redevelopment of the Houghton Shopping Center. Should this Intent to Rezone application be granted, the applicant intends to remodel and create additional building area so that this would now total 56,220 square feet. This building would extend west from 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 northwest portion of the shopping center property.
3. In addition to construction of two 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 for the previous site plan (see Exhibit "E") which received a final declaration of non-significance from the responsible official on February 11, 1977.

B. HISTORICAL BACKGROUND:

The applicants received approval from the City for a site plan and intent to rezone on September 19, 1977 (see Exhibit "E"). That plan included 62,500 square feet of building area and 209 parking stalls. The floor area was contained in three new structures with areas of 17,000, 12,000 and 6,000 square feet.

C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. There is a break in the topography between the Thriftway Building and the building which houses the hair-style 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 incorporated a stairway and ramp into the pedestrian circulation across the building facade in this area (see Exhibit "F" - Elevations). 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

Statements of Fact, Continued

C. 5. pavement in 108th Avenue NE and the Thriftway building. This break reaches a maximum elevation difference of approximately 10 feet.

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 Avenue NE. The entire shopping center fronts on NE 68th Street, 106th Avenue NE and 108th Avenue NE. NE 68th Street is presently improved with curbs, sidewalks and gutters. 106th Avenue NE and the west side of 108th Avenue NE are lacking these improvements.

8. Traffic/Access. The applicant intends to retain the existing shopping center access point on 108th Avenue NE. The applicant is proposing two access points from NE 68th Street and another on 106th Avenue NE, approximately 190 feet south of the intersection of 106th Avenue NE and NE 68th Street. This is 150' further south than in previously approved site plan. In addition, the applicant is proposing a drive-through service route from 108th Avenue NE to 106th Avenue NE along the southern property line of the site. (See Exhibit "B" - Site Plan).

9. Parking. The applicant has submitted plans indicating 215 parking stalls to serve the entire redeveloped shopping center. This compares to 209 stalls in previously approved plan. The applicant proposes that, upon completion, the shopping center will have a total of two buildings, containing a total floor area of 62,200 square feet. The proposed number of parking stalls exceeds by eight stalls the required parking ratio of 1 stall per 300 square feet of gross floor area for retail space and offices. (Section 23.34.020 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 Avenue NE, a 10" water main along 68th Street, and an 8" water main along 108th Avenue NE.

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,

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E. 12. across 106th Avenue NE, 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 Avenue NE, 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.

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 renovation 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 23.62.030."

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

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Statements of Fact, Continued

- F. 14. c. 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.

- 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: Page 197 reads: "The Houghton Shopping Area is the primary retail commercial center for the neighborhood. It contains several convenient stores along both sides of NE 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 NE 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 Land Use map for this area in the Land Use Policies Plan indicates 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.

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- F. 16. 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).

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

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 applicant should be required to break up the parking areas with landscaping so that generally no row of stalls contains more than nine cars. Four of the "excess" eight stalls should be landscaped as indicated by Exhibit "H". These should included extruded curbs within which shall be planted 5 gal. Ilex crenato and 5 gal. photinia fraserianamanner consistent with the other planter areas.
- c. The 'islands' shown on the landscape plan should be landscaped also with the materials described in 'b' above. (See Exhibit "H" for location).

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Conclusions, Continued

- C. 4. d. All Photinia Fraseri to be planted should be a minimum of 36 inches tall at the time of planting.
- e. 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.
- f. The use of beauty bark throughout this project should be prohibited due to problems it creates in clogging storm drains.

D. PUBLIC UTILITIES:

5. Streets. The east side of 106th Avenue NE 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 Avenue NE. The "No Protest" agreement should state that all existing points of access from 108th Avenue NE 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. They feel that the currently proposed interior circulation pattern and ingress and egress is superior to that which was previously approved.
7. Sanitary Sewers/Domestic Water. These factors would not constrain 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, Continued

- 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 and to the previously approved plan;
- 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 "D" 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.

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Conclusions, Continued-

- F. 10. b. 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. Applicant should locate this on a revised copy of the site plan.
- 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 and illustrated on Exhibit "H".
- 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 NE 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 "H", 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 "G".
- 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. The applicant shall make minor modifications to the parking areas and landscape plans so that "the islands" identified in Exhibit "H" are landscaped with plant material. Also, the arrangement of parking stalls across the facade of the main building shall be changed to reflect the spacing and size of the landscaped islands shown on Exhibit "D" (Site Plan) rather than Exhibit "G". These islands may be located as shown on Exhibit "H" but in no case shall be more than three in number.
- c. All Photinia Fraseri to be planted on the periphery of the shopping center should be a minimum of 36" tall at the time of planting.
- d. The applicant shall provide both a fence and a landscape buffer along the south property line. The trees so planted shall be greater than 4 feet in height.

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Recommendations, Continued

1. e. The use of beauty bark throughout the project shall be avoided due to the problem it creates in clogging storm drains.
 - f. The applicant shall contact the serving solid waste utility and locate approved site-screened solid waste containers.
 - g. The applicant shall provide landscape materials along the border with the south side of the service station property.
 - h. The ground cover for the landscape buffer shown in Exhibit "G" shall include the southwestern most area as well.
 - i. The landscaping in the northwest corner should be arranged so as to preserve a clear sight triangle between 3 and 10 feet above the center lines of the existing streets.
2. The applicant shall indicate and install with the Building Permit a five foot wide concrete sidewalk located along 106th Avenue NE 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 Avenue NE for the length of the subject property. The "No Protest" agreement should state that all existing points of access from 108th Avenue NE 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 NE 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.
 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.

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Recommendations, Continued

6. 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, than a formal amendment procedure shall be accomplished with public hearings before both the Kirkland Planning Commission and Houghton Community Council.
7. The applicant shall combine the two access points onto N.E. 68th Street into a single wider driveway to be located somewhere between the two shown on Exhibit "D". This single ingress and egress point shall have two outbound lanes and one inbound. Internal parking and circulation shall be adjusted to accommodate this relocation.