

RESOLUTION NO. R- 2618

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-79-22(P), BY ELWIN AND JUDY MAGILL TO REZONE A PARCEL FROM RESIDENTIAL SINGLE FAMILY 7,200 TO RESIDENTIAL MULTI-FAMILY 3,600 FOR CONSTRUCTION OF A DUPLEX, 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 Elwin and Judy Magill, the owners 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 April 19, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy of the State Environmental Policy Act, and 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 after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental checklist 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 Department of Community Development File No. R-79-22(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The City Council approves in principal the request for reclassification from RS 7.2 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) Fire and Building Department of the City of Kirkland
- (d) Parks 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)

ADOPTED in regular meeting of the City Council on the 7th day of May, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 7th day of May, 1979.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

RECOMMENDED BY _____ DATE April 19, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

Kay Haenggi
Kay Haenggi, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-79-22(P)

APPLICANT ELWIN & JUDY MAGILL

PROPERTY LOCATION S.E. corner 7th Ave. and 3rd Street

SUBJECT APPLICATION FOR INTENT TO REZONE FROM RS 7.2 to RM 3600

HEARING/MEETING DATE May 7, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Information "C" Vicinity
Map "D" Existing Features Map "E" Site Plan & Elevations "F" Letter from
Whitelys "G" Petition "H" Minutes of public hearing (4/19/79)

I. SUMMARY:

A. DESCRIPTION OF THE PROPOSED ACTION:

1. This is an application for a Resolution of Intent to Rezone the subject property. The current zoning designation is Residential Single Family 7200 minimum lot size. The applicant requests that the subject property be designated Residential Multi-Family 3600. Included in this application is the proposed construction of a duplex on the subject property along with four associated parking stalls. Two of these parking stalls would be contained on the bottom floor of the proposed structure. The parking area is proposed to access from 3rd Street.
2. The subject property is located in the southeast portion of the Third Street-Seventh Avenue intersection.

B. RECOMMENDATIONS:

Based upon the Statements of Fact, Conclusions, and Exhibits "A" through "F" contained herein, we hereby recommend approval of this application for a Resolution of Intent to Rezone subject to the following conditons:

1. The applicant shall adhere to the recommendations of the Public Service Department as follows:

Sanitary sewer and domestic water services shall be subject to the payment of appropriate fees. A storm water retention system design shall be approved prior to framing inspection.

2. Along with the submittal of a Building Permit for the proposed duplex the applicant shall submit a landscaping plan which indicates the following in addition to what is currently indicated on the site plan:
 - a. Parking areas shall be adequately screened in a manner consistent with Section 23.40.060 of the Kirkland Zoning Ordinance. This screening shall include landscaping on the west sides of the two open air parking stalls and on the east side of the 24 foot wide driveway. This landscaping shall be as indicated in Section 23.40.060(1) of the Kirkland Zoning Ordinance. Fencing could be utilized for screening on the south and east sides of the southernmost parking stall if such fencing is consistent with Section 23.40.060(2) of the Kirkland Zoning Ordinance.

4/19/79

4/12/79 bk

R-2618

- I. B. 2. b. The applicant shall provide several trees on the west, north, and east sides of the proposed building. These trees shall be a minimum of 1 3/4" caliper at time of planting. The specific species and number of individuals shall be subject to review and approval by the Department of Community Development. Also, landscaping shall go out to the sidewalks on both sides of the parcel.
3. The two existing trees in the southeast portion of the subject property shall be protected during construction activity. This protection shall consist of fencing placed on the north and west sides of these trees at the drip line. This fencing shall be reviewed and approved by the Department of Community Development prior to the commencement of any grading or construction activity on the subject property.
4. Prior to the issuance of a Certificate of Occupancy for the subject property the applicant shall install a 5-foot wide concrete sidewalk where the subject property abuts 7th Avenue. The specific location and design of this sidewalk shall be reviewed and approved by the Public Service Department. Also, all landscape materials shall be installed prior to issuance of a Certificate of Occupancy.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

On October 20, 1977 the Kirkland Board of Adjustment approved by motion that whenever a parcel of property would support X.5 units or greater, the additional unit would be automatically allowed. This was done on the authority granted to the Board by Sect. 23.58.040 of Zoning Ord. The subject property, which contains 5500 square feet, would support 1.53 units at RM-3600 density.

2. Conclusions.

Under RM-3600 zoning two units can be allowed on the subject property. The determination of the Board of Adjustment rounding off the X.5 to the next unit removes it as an issue of this application.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department/Police Department/Building Department. These Departments expressed no concerns regarding this proposal.

- II. B. 1. b. Parks Department. A sidewalk should be provided on 7th Avenue,
- c. Public Service Department, Sanitary sewer and domestic water services are adequate, The existing right-of-way systems are adequate, Sanitary sewer and domestic water services would be subject to the payment of appropriate fees, A storm water retention system design must be approved prior to framing inspection.
- d. SEPA. A Declaration of Non-Significance was made by the Responsible Official on February 21, 1979.
2. Conclusions. In regard to the sidewalk issue, see below, Otherwise, the applicant should adhere to the Public Service Department comments as given above.

C. CITIZEN INPUT;

1. Statements of Fact. Prior to the hearing, a letter in opposition was submitted (see Exhibit "F"). At the hearing, a petition in opposition was submitted (see Exhibit "G") and comments made by nearby residents. See excerpt of minutes (Exhibit "H").
2. Conclusions. The concerns expressed by the public do not justify a denial of this application for Intent to Rezone. The parcel is unsuitable for single family use, cannot expand to the north, east or west, and is specifically designated in the Land Use Policies Plan for multi-family use.

D. EXISTING PHYSICAL CHARACTERISTICS;

1. Statements of Fact.
- a. Vegetation. The only significant vegetation on the subject property consists of a cedar tree and a cherry tree on the southeast portion of the site.
2. Conclusions.
- a. The two existing trees should be protected during construction. This protection should consist of fencing on the north and west sides of these trees at the drip line. The fencing should be reviewed and approved by the Department of Community Development prior to the commencement of any grading or construction activity on the subject property.

II. E. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. Third Street is fully developed with curb, gutter, and concrete sidewalk. Seventh Avenue is currently developed with curb and gutter but no sidewalk.

2. Conclusions.

The applicants need not provide any improvements on 3rd Street. In regard to 7th Avenue, see below under II.G.

F. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is currently zoned Residential Single Family 7,200 as are properties to the north, west and south of the subject property. The property immediately to the east of the subject property is zoned Residential Multi-Family 3600.
- b. Land Use. The subject property is currently vacant. Single family homes exist to the north, west and south of the subject property. A multi-family building exists on the property immediately to the east of the subject property.

2. Conclusions.

- a. The proposed building with a use that is multi-family and a scale that is similar to single-family would be consistent with the zoning and land use in the area.

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

1. Statements of Fact.

- a. The Land Use Policies Plan designates 7th Avenue as a collector arterial. (See Figure 36, Page 312).
- b. Sections 23.40.040 and 23.40.060 mandate that off-street parking areas be screened from adjoining properties by either landscaping or fencing. (Kirkland Zoning Ordinance Sections)
- c. Goal 2 of the Natural Elements Section of the Land Use Policies Plan is "to recognize the amenity and utilitarian functions provided by natural elements, and to incorporate these functions into development.

- II. G. 1. d. Section 23.62.050(1) of the Kirkland Zoning Ordinance states: "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."
- e. The Land Use Policies Plan designates the subject property as appropriate for a density of 10 to 14 dwelling units per acre.
2. Conclusions.
- a. The requested zoning is consistent with the Land Use Policies Plan.
- b. As 7th Avenue is a collector arterial this right-of-way should be fully improved. These full improvements which would include a 5 foot wide concrete sidewalk will achieve an adequate separation of pedestrian and vehicular traffic. The separation is particularly important as a collector arterial carries a high number of vehicles. For this reason, the applicant should provide, prior to the issuance of a Certificate of Occupancy for the proposed building, a 5 foot wide concrete sidewalk where the subject property abuts 7th Avenue. The specific location and design of the sidewalk should be reviewed and approved by the Public Service Department.
- c. The applicant should provide screening of the parking areas in a manner consistent with Section 23.40.060 of the Kirkland Zoning Ordinance. This should include landscaping on the western and eastern sides of the proposed parking area and fencing on the south and east sides of the southernmost parking stall.

III. APPENDICES:

Exhibits "A" through "H" are attached as a part of this report.