

RESOLUTION NO. R- 2662

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-79-75(P), BY FINANCIAL PLANNING ASSOCIATES TO REZONE A LOT FROM RS 35,000 TO PROFESSIONAL RESIDENTIAL FOR A MEDICAL OFFICE BUILDING, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 35,000 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 Financial Planning Associates, the owner of said property described in said application and located within a Residential Single Family 35,000 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their special meeting of September 6, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 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 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 the Department of Community Development File No. R-79-75(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 Recommendations hereinabove adopted by the City Council. The City Council approves in principal the request for reclassification from RS 35,000 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 resolution 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 as 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 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 Building Department of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) 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 October, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 1st day of October, 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 September 6, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

Kay Haenggi
Kay Haenggi, Chairwoman

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-79-75 (P)

APPLICANT Financial Planning Associates

PROPERTY LOCATION So. of N.E. 132nd St., W. of 120th Ave. N.E.

SUBJECT INTENT TO REZONE FROM RS 35 to PR FOR CONSTRUCTION OF 5680 Sq. Ft. of office space.

HEARING/MEETING DATE October 1, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Checklist "C" Vicinity Map "D" Site Plan "E" Hydrant Location

- I. C. 6. Along with the submittal of an application for a Building Permit, the applicant shall modify their landscaping plan to indicate red oak 30 feet on center along the length of the north and eastern property lines. These trees shall be at least 2" in caliper at time of planting.

II. SITE DESCRIPTION

The "L" shaped parcel is flat with a thick growth of grain-grasses. No trees are on the site. Access to a multi-family complex crosses the entire southern portion, with the easement covering approximately 15,500 square feet of the site. This easement driveway is paved, with small vegetation landscaping the northern and southern edges. A sanitary sewer easement follows the driveway. Neighboring uses include residential to the north, a single family residence to the west, Totem Lake Apartments with 200 units to the southwest, and vacant land to the south and east.

III. HISTORY

This lot is "Parcel C" of William Vieser's Short Subdivision approved in 1979. Parcel B encompasses Totem Lake Apartments, Parcels A and D are vacant. Evergreen Hospital to the southeast has sparked a heavy influx of medical offices and related uses to the area.

IV. MAJOR ISSUES AND RECOMMENDATIONS

- A. Is the change in zoning requested in conformity with the adopted Comprehensive Plan, the provisions of the Zoning Ordinance in the public interest? If yes, indicate how so; if no, indicate how this request is justifiable.

1. Statement of Fact/Applicant's Response.

The requested Rezone from RS 35 to PR is consistent with the Comprehensive Plan because the site is in an area designated for office/multi-family use. The property immediately south of the site is currently zoned PR. Providing space for medical office use if this Rezone is approved would help meet high demand for medical office and support facilities in the vicinity.

I. SUMMARY

A. PROJECT DESCRIPTION

Financial Planning Associates is applying for a Rezone from RS 35,000 to Professional Residential on a lot which is 35,000 square feet. This will allow construction of 5,680 square feet of medical office space. The lot is located at the southwest corner of the intersection of 132nd Street and 120th Avenue N.E. in the neighborhood of Evergreen Hospital.

B. MAJOR ISSUES

The applicant must meet the four criteria found in Section 23.62 of the Zoning Code (amendment and rezoning) to be eligible for a change in zone classification. If these criteria are met, then discussion on proposed development impacts may include potential traffic congestion, the necessity to redesign access entry to feed off of an existing driveway, visual impact on an adjacent single family home and contributing to a unified landscaping scheme.

C. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions, and Exhibits "A" through "E" contained herein, we hereby recommend approval of this application for an Intent to Rezone, subject to the following conditions:

1. A concrete sidewalk shall be located on Lot C along 120th Avenue N.E. according to City specifications. The existing driveway entrance requires curb and gutter. These improvements shall be completed prior to issuance of Certificate of Occupancy.
2. An on-site fire hydrant in the approximate location shown on Exhibit "E" is required.
3. Utilities shall be underground and installed at the expense of the developer.
4. The site shall be redesigned so that parking lot access will be off of the private driveway to the south of the property, said design to be subject to approval of the Department of Community Development.
5. Prior to issuance of a Building Permit, plans for interim and permanent storm drainage and erosion will be submitted and approved by Public Service Department and interim erosion control facilities are to be maintained until all construction activities are completed. A curb shall be located along the western asphalt edge of the parking lot to insure that surface runoff will not contaminate Juanita Creek.

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- IV.
- B. Is the use or change in zoning requested in the zoning map of the Zoning Ordinance, for the establishment of commercial, industrial, or residential uses, supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the cover sheet of this application and Section 23.62.030 of the Kirkland Zoning Code?
1. Statement of Fact/Applicant's Response
Yes, see Exhibit "D", Site Plan.
- C. Prior to this application being heard by the Planning Commission, an analysis of the physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage 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.
1. Statement of Fact/City of Kirkland.
Note. This is found in the body of the report.
- D. The applicant must provide further evidence to the Planning Commission's satisfaction that there is an additional need for this type of land classification for which he is applying.
1. Statement of Fact/Applicant's Response.
The Evergreen Hospital has provided the nucleus for supportive medical facilities and doctors' offices in the surrounding area. There is currently a high occupancy rate for medical office space and more offices are being planned. Planned expansion of Evergreen Hospital is expected to generate even greater demand for space. The medical office complex proposed for this site, once rezoning is approved, should help meet both existing demand and future demand.
2. Conclusions.
Information provided above is the applicant's response to Rezone criteria. Staff evaluation of this response indicates that the conditions described are correct. In reviewing the applicant's response to Conditions 1, 2 and 4, and this attached report, staff recommends approval of the Rezone application.

B. Potential Traffic Congestion

1. Statements of Fact.

The William Vieser Short Subdivision which created Lots C and D had as a condition of approval an easement to allow access onto the existing driveway leading to 120th Avenue N.E. 132nd Street is identified as a secondary arterial and is one of the main east-west connectors in the Totem Lake Area. 120th Ave. N.E. feeds directly off of 132nd and provides direct routing to the Evergreen Hospital and ancillary functions. Emergency equipment

IV. B. 1. (Cont'd)

follows 132nd Street to 120th Ave. N.E. to reach the hospital. 120th Ave. N.E. links the residences to the north with Totem Shopping Center.

2. Conclusions.

120th Street should have a minimum of curb cuts to prevent possible traffic congestion with emergency vehicles. The condition placed on Lots C and D is that access be routed through an existing driveway. The site plan should be reconfigured to show entryway access off of the driveway prior to issuance of a Building Permit.

C. Concrete Sidewalk.

1. Statement of Fact.

Sidewalk, curb and gutter are installed on both sides of 132nd Street. Curb and gutter are found on 120th Ave. N.E. A path is worn along both sides of 120th Ave. N.E., evidencing pedestrian movement. A bus stop is located just south of Parcel C and across the street.

The driveway to Totem Lake Apartments is asphalted but has no curb and gutter.

2. Conclusions.

A sidewalk along Parcel C would tie in to existing sidewalk found on 132nd Street. Curb and gutters required at the driveway entrance would complete roadway improvements. The worn path and bus stop indicate pedestrian use.

D. Fire Hydrant and Portable Extinguishers.

1. Statements of Fact.

The Uniform Fire Code and the National Fire Protection Association Bulletin No. 10 spell out fire protection standards required of office buildings. A Kirkland Fire Department policy derived from the Uniform Fire Code requires one fire hydrant with 2500 gallons per minute for the site. Portable fire extinguishers are required per the National Fire Protection Association.

2. Conclusions.

A fire hydrant and portable extinguishers serve the public interest and safety.

E. Building Construction.

1. Statements of Fact.

IV. E. 1. (Cont'd)

The site is located in Fire Zone 2. The Uniform Building Code for this fire zone requires fire protected openings and a parapet when yard setbacks are below 10 feet.

2. Conclusions.

In the interest of public safety the building is required to have on the western wall openings with 45 minute protection and a parapet.

F. Protection of Juanita Creek.

1. Statements of Fact.

The William Vieser Short Plat has as a condition of approval the protection of Juanita Creek drainage as it relates to Parcel C. One common pollution problem is surface runoff carrying oil and grease from parking lots and roadways.

2. Conclusions.

The asphalt parking lot indicated on the site plan of Parcel C shall have a curb abutting the landscape buffer to insure that surface runoff does not contaminate Juanita Creek.

G. Underground Utilities.

1. Statements of Fact.

The Land Use Policies Plan encourages undergrounding of utilities to "contribute to a more amenable and safe living environment as well as to enhance views and a sense of community identity." (Page 406) Some neighboring uses have underground utilities at the present time.

2. Conclusions.

Undergrounding utilities serves the community interest, and shall be installed at the expense of the developer. Underground utilities are feasible at this site.

H. Landscaping.

1. Statements of Fact.

Red Maples (which was later modified through administrative decision with approval of the Parks Department to Red Oak) have been required of the Evergreen Professional Estates Rezone application which is located opposite the site across 120th Ave. N.E. The proposed planting of Sugar Gum trees would threaten the asphalt road since the species has an invasive root system.

IV. H. 1. (Cont'd)

In the Land Use Policies Plan two policies specifically address the impact of development on single family residential use in the Totem Lake area. Living Environment Policy No. 2 and Juanita/Parmac/Totem Lake Living Environment Policy 1 for the Totem Lake area, both address the concern that uses and activities adjacent to low density residential development do not exceed standards normally associated with such residential development.

2. Conclusions.

Additional planting of Red Oaks would create a human scale to the intersection, and would add to the existing requirement for Red Oaks found across the street. Planting Red Oaks would meet the intention of the landscaping required around the parking site.

To insure that the building mass does not have a detrimental visual effect on the adjacent single family house, the western building facade shall be screened by heavy vegetative planting.

V. AVAILABILITY OF PUBLIC SERVICES

- A. Existing Services have the capability of servicing the proposed development of Parcel C, Financial Planning Associates application for Rezone. Sanitation demand can be met by the N.E. Lake Washington Sewer District. Domestic water will be provided by the King County Water District No. 79. Storm water drainage is existing in

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V. A. (Cont'd)

a 12" storm drain along 120th Avenue N.E. and the location of two catch basins on site. There are no plans or programs that could affect the subject property.

VI. EXISTING LAWS AND REGULATIONS

The following regulations and laws are presented for the information of the applicant and the hearing bodies.

A. Kirkland Zoning Code.

While all applicable regulations and codes must be met, these sections are brought to specific attention:

Professional-Residential Zone. (Chapter 23.14)

Parking and Loading. (Chapter 23.34)

Landscaping, Screening and Fencing. (Chapter 23.40)

Amendment and Rezoning. (Chapter 23.62)

Sign Code. (Chapter 23.32)

B. Land Use Policies Plan.

1. Statements of Fact.

Any development requiring a zone reclassification pursuant to the designated land uses will be subject to the following standards:

- a. A development proposal shall demonstrate that adequate setbacks and other design standards are included to insure that visual and acoustic characteristics of structures, uses and activities adjacent to low density residential development do not exceed standards normally associated with such residential development. Design standards which shall be considered include building heights; dwelling unit densities; intensity of vehicular traffic; noise levels; ratio of impervious surfaces to natural or landscaped spaces; lighting; signing; and other elements to minimize adverse impacts on the surrounding area.
- b. Appropriate setbacks and vehicular, bicycle or pedestrian access shall be incorporated into the development plan in order to insure that effective separation and transition of more intensive land use activities from adjacent low density residential uses.
- c. Existing trees, vegetation and topographic characteristics shall be effectively used in the site planning process in order to achieve a compatible relationship between single family uses and more intensive land uses.

- VI. B. d Special development procedures may be required, especially if proposed developments are adjacent to single family areas or to maintain natural features.

2. Conclusions.

The impact of this development on adjacent residential use is not beyond that normally associated with residential development. Parking is screened and building height is below 30 feet. Existing vegetation is minimal. Land Use Policies Plan has been met.