

RESOLUTION NO. R- 2871

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE INTENT TO REZONE PROVISIONS OF CHAPTER 23.62 OF THE KIRKLAND ZONING ORDINANCE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. IR-81-87 BY EVERGREEN SURGICAL CENTER PARTNERSHIP TO CONSTRUCT A TWO-STORY SURGICAL AND MEDICAL CENTER AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RS 35,000 TO PROFESSIONAL OFFICE.

WHEREAS, the Department of Community Development has received an application filed by Evergreen Surgical Center Partnership as owner of the property described in said application requesting a permit to develop said property in accordance with the intent to rezone procedure established in Chapter 23.62 of Ordinance 2183; and

WHEREAS, said property is located within an RS 35,000 zone and the proposed development is a permitted use within both the PR and PO zones; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meeting of September 17, 1981; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473, concerning environmental policy, and 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 to the City Council approval of the proposed development and the intent to rezone pursuant to Chapter 23.62 of Ordinance 2183, all subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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. IR-81-87 are hereby adopted by the Kirkland City Council as though fully set forth herein, except as noted in the first sentence of Section 3 below.

Section 2. A Development Permit, pursuant to the intent to rezone procedure of Chapter 23.62 of Ordinance 2183, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council does not approve in principle the request for reclassification from RS 35,000 to PR because the PR zone would permit not only the office use requested but also a multi-family residential use that would be inconsistent with the adopted Land Use Policies Plan map. However, the City Council does approve in principle a reclassification from RS 35,000 to P0, pursuant to the provisions of Chapter 23.62 of Ordinance 2183, and 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 4. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

Section 5. 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 the proposed development project, other than as expressly set forth herein.

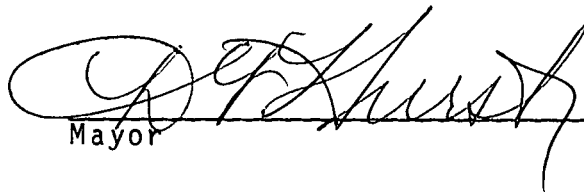
Section 6. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2183, the Kirkland Zoning Ordinance.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) The applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department for the City of Kirkland
- (d) Public Services Department of the City of Kirkland
- (e) Project and Construction Management 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

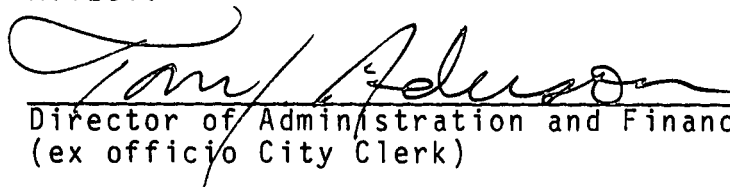
PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 5th day of October, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 5th day of October, 1981.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE September 17, 1981

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

Robert G. Burke

Robert G. Burke, Acting Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER IR-81-87

APPLICANT EVERGREEN SURGICAL CENTER

PROPERTY LOCATION E. of 120th Ave. NE, N. of Evergreen General Hosp.

SUBJECT INTENT TO REZONE FROM RS 35 to PR

HEARING/MEETING DATE October 5, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" through "K" listed on reverse.

LIST OF EXHIBITS

- "A" - Vicinity Map
- "B" - Site Plan
- "C" - Landscape Plan
- "D" - Elevation Drawings
- "E" - Floor Plan
- "F" - Environmental Checklist & SEPA Declaration
- "G" - Project Description
- "H" - Conditions from R-78-94(P)
- "I" - Fire Department Revisions
- "J" - Proposed Alternative One Site Plan
- "K" - Proposed Alternative Two Site Plan

I. PROJECT SUMMARY

A. PROJECT DESCRIPTION

Gary W. Scott, agent for Evergreen Surgical Center Partnership, has submitted an application for an Intent to Rezone property from RS 35,000 to PR. The property is 45,800 square feet in area, and the Rezone will allow construction of a 14,710 square foot two-story surgical and medical center. The property is located east of 120th Avenue N.E., immediately north of Evergreen Hospital and in the 13,000 block.

Major issues in this review include compliance with the Zoning Ordinance, compliance with the Land Use Policies Plan, private road improvements, fire safety, rezone criteria and compliance with the State Environmental Policy Act.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and Exhibits found in this report, we hereby recommend approval of the Intent to Rezone application subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to insure compliance with the various provisions contained in these ordinances. This Report includes a Development Standards Section which lists some additional development requirements. The Development Standards Section does not include all development requirements.
2. Prior to release of the Building Permit a landscape design will be approved by Department of Community Development staff that will allow for:
 - a. The three existing fir trees shall be retained and staked around their drip-line by 4 foot high stakes which are strung with surveyors tape.

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- b. The landscape plan shall show the bank around the retention pond planted in lawn.
 - c. Landscaping is to reflect street improvements as required.
 - d. Either a 20 foot wide easement with an all weather driving surface shall be obtained and installed on the eastern abutting property (Exhibit "I") OR redesign the site to provide a 20 foot wide internal driving lane and a 25 foot radius turn-around for fire engines. If an off-site easement is obtained, access to the fire hydrant from the easement road shall be unobstructed.
 - e. Reduce landscaping by 2 feet opposite the pickup zone and widen the driving surface accordingly.
3. Prior to release of the Certificates of Occupancy.
 - a. The private road shall be improved with: 5 foot wide concrete sidewalk, 5 foot wide landscape median with red maples planted 30 feet on center, curb, gutter, underground storm drainage, and 3 feet of additional asphalt roadbed.
 - b. The conditions of the Building Permit shall be met.
 4. 50 parking stalls shall be installed based on a ratio of 1 per 200 square feet of medical clinic space and 1 per employee plus 1 per 2 patient beds for the surgery area.

II. BACKGROUND

1. The majority of the site is relatively level with a gradual drop to the northwest. The extreme northwest corner, which appears as a triangular piece, drops more steeply into a retention pond.

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This retention pond system was built in the mid 1970's in conjunction with construction of N.E. 132nd Street. The retention pond has the capacity to handle storm drainage off of 132nd N.E. as well as storm drainage from Evergreen Professional Estates Short Subdivision. This project is located on Parcel C of the Evergreen Professional Estates Short Subdivision (File No. K424W).

2. Significant existing features include three easements, three large size fir trees and the retention pond. The remainder of the site is vegetated with grasses, brush and berry bushes. A 10 foot wide sanitary sewer easement crosses the northern portion of the site, and a 30 foot wide utilities and access easement follows the southern property line. This easement totals 60 feet in width and includes a 22 foot wide asphalt improvement. In addition, a storm drainage easement for the retention pond falls in the northwest corner of the site. The three existing large fir trees each have a trunk diameter of roughly one and a half feet or more.

III. MAJOR ISSUES

A. COMPLIANCE WITH THE ZONING ORDINANCE

1. Statements of Fact

The applicant meets the requirements of the Zoning Ordinance in the following manner:

Setbacks

- a. Front Yard - 20 feet required (37 feet proposed)
- b. Rear Yard - 10 feet required (150 feet proposed)
- c. West Side Yard - 5 feet required (18 feet proposed)
- d. East Side Yard - 5 feet required (43 feet proposed)
- e. Total Side Yard - 15 feet required (61 feet proposed)

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Height - 30 feet required (25 feet proposed)

Lot Coverage - 35% maximum (16% proposed)

Landscaping - 4 foot parking buffer required (4 foot parking buffer proposed on the two side yards with 5 feet or more proposed along the rear yard) densely planted with shrubs or trees at least four feet high at time of planting which provide a dense year around screen in three years.

Parking Stalls - The structure houses two uses, medical clinics in the upper story which require a total of 39.9 stalls and an outpatient surgical center in the lower story which closely resembles a hospital use and requires 10.5 stalls. This project requires a total of 50.4 parking stalls (50 stalls are proposed). The out-patient surgical center is not specifically mentioned as a parking category in the Zoning Ordinance, therefore, "... the requirements of off-street parking facilities shall be the same as a use, which in the opinion of the Department of Community Development shall be deemed most similar. The Department of Community Development may seek the advice and recommendations of the Planning Commission prior to reaching a decision." (Section 23.34.020)

2. Conclusions

- a. The applicant meets the standards of the Zoning Ordinance regarding dimensional evaluations. The applicant meets the medical clinic parking stall requirement of one stall per 200 gross square feet. It is up to the Planning Commission to determine if the outpatient surgical center most resembles a hospital, and thereby, applying the hospital parking stall ratio to the outpatient surgical center portion of the structure. The applicant proposes to meet the hospital requirement for the lower story surgical center of one stall every two beds and one stall for every employee. The surgical center

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will have 7 beds and 7 employees and will provide 10.5 parking stalls for the surgical center. The surgical center most resembles a hospital because it is devoted to patient operations, but is dissimilar in the respect that it does not provide overnight stays. Since it does most closely resemble a hospital use, however, that parking ratio should apply.

Plant sizes are not located on the landscape plan. The Zoning Ordinance requires that vegetated parking buffers have plant species at least 4 feet high at time of planting which provide a dense year-round screen in three years. Bush species, then, must be 4 feet high at time of planting. Street tree species must be 1 1/2 inches in diameter at the trunk measured at breast height at time of planting.

B. COMPLIANCE WITH THE LAND USE POLICIES PLAN

1. Statements of Fact

The site is located in the Totem Lake Area of the Juanita/Par Mac/Totem Lake Neighborhood. Page 401 states that "Lands immediately north of Evergreen Hospital should be developed as office rather than multi-family."

Page 402 states that "All large parking areas should be visually broken by tree planting and landscaped islands (see Economic Activities Policy 5.f.)".

Page 39, Policy 5, in the Natural Elements Section states "Maintain existing vegetative cover to the greatest extent feasible."

Figure 41, Natural Elements, shows the retention pond system constructed in the area.

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2. Conclusions

The proposed development complies with the land use policy encouraging office development in this area. While the development proposes to retain one of the three large fir trees described in the Background Section of this report, it appears from the parking layout that all three trees can be, and should be saved. The applicant has broken up the large asphalt parking area by interrupting every eighth stall with a landscaped island. In addition, the applicant is proposing a perimeter landscaping buffer which includes a good variety of plant species, colors, sizes and forms a dense buffer screen. Finally, to reflect the quality of landscaping in the Evergreen Professional Building, northwest of the subject site, the applicant shall plant in lawn the northwest corner of this property as it slopes to the retention pond.

C. PRIVATE ROAD IMPROVEMENTS

1. Statement of Fact

- a. The Planning Commission must find that the rezone is in the public interest.
- b. A previous Rezone of property to the west (File No. R-78-94(P)) had the following requirements for the private road easement:

Plant red maple trees 30 feet on center along the length of the west and south property lines. Provide a 5 foot concrete sidewalk, provide curb and gutter unless the Public Services Department determines that gutters are not necessary. Finally, the Public Services Department shall determine the specific location of the concrete sidewalk, curb and gutter improvements. (See Exhibit "H").

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- c. The private easement road is presently shared by the hospital for staff parking, visitor parking and emergency vehicular service. The existing roadway has a 22 foot wide asphalt improvement. As a private easement road, standards found in Ordinance 2576 (right-of-way improvements) do not apply. Property east of the site is vacant. The Public Services Department recommends 28 feet of asphalt road bed and curbs, gutter, underground storm drainage and sidewalk.

2. Conclusions

The applicant shall provide a 5 foot wide concrete sidewalk with a 5 foot landscape median between the sidewalk and the road. Red maple street trees shall be planted 30 feet on center, and the trees shall be 1 3/4" in trunk diameter at time of planting. The applicant is also obligated to install 3 feet of asphalt road bed improvement, curb, gutter and underground storm drainage. The additional three feet of roadbed improvement is half of the six feet necessary to bring the road width to 28 feet. Evergreen Hospital is also responsible for a three foot asphalt improvement. A 28 foot road width will allow parking on one side and two 10 foot driving lanes. Due to emergency vehicular use and patient, visitor and staff use, and the large amount of vacant land to the east, the private road must be upgraded in the interest of public safety.

D. FIRE SAFETY

1. Statement of Fact

The Kirkland Fire Department states that adequate fire engine clearance is not provided with the proposal. A 20-foot driving lane must be provided along the eastern side of the building and a 25 foot radius for fire engine turn-around is also necessary. The Fire Department can also protect the site if a 20 foot wide easement with an all

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weather driving surface is obtained and installed on the eastern property line. Since the farthest tip of the building exceeds 310 feet from the nearest fire hydrant, a fire hydrant must be located in the back parking area of the proposal.

2. Conclusions

Adequate fire protection access must be available. Either the driving lane along the eastern side of the building must be widened to 20 feet with a 25 foot radius turn-around OR a twenty foot wide off-site access easement be obtained along the eastern property line and improved with an all weather driving surface.

E. REZONE CRITERIA

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

Applicant's Response: "Yes. The Comprehensive Plan for the area designates this parcel PR. Adjacent parcels have been rezoned to PR or Hospital. The requested change is to PR/Hospital." (See Exhibit "G").

a. Statement of Fact

The Land Use Policies Plan encourages office use and restricts multi-family development north of the hospital. Exhibit "G" provides further information regarding the nature of an out-patient surgical center.

b. Conclusions

The proposal meets the provisions of the Zoning Ordinance, Comprehensive Plan and is in the public interest.

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2. Further rezone criteria require an architectural site plan showing the proposed development and its relationship to surrounding areas, an analysis of the physiographic elements, existing and planned municipal services, storm water control on the site, and evidence that there is a need for this type of land classification.
 - a. The exhibits and text of this report present the architectural site plan, require staff analysis and the need for this type of land classification.
 - b. The additional Rezone criteria have been met.

F. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

1. Statement of Fact

An Environmental Checklist was submitted June 9, 1981. After thorough review, a Declaration of Non-Significance was issued on July 16, 1981.

2. Conclusions

The requirements of the State Environmental Policy Act (SEPA) have been met.

IV. DEVELOPMENT STANDARDS

1. No clearing or grading can occur without prior permission from the Building Department.
2. Temporary erosion control must be shown on the Building Permit application.
3. Permanent storm drainage must include an oil/silt separator.
4. Parking stall dimensions must be 9 feet by 20 feet, and 33% of the stalls can be marked "compact" and be 8 feet by 16 feet.
5. A two-year landscape maintenance bond must be submitted before Certificates of Occupancy are issued.

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