



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3225 - www.kirklandwa.gov

MEMORANDUM

Date: September 18, 2012

To: Planning Commission

From: Teresa Swan, Senior Planner
Paul Stewart, Deputy Director

Subject: **Study of Howard Private Amendment Request, including Expanded Study Area (ZON11-00005)**

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I. RECOMMENDATION

- Discuss potential changes to the zoning and land use designation for the Howard, Finn Hill Fire Station and Holmes Point LLC properties.
- Discuss the inconsistency between the zoning and land use designations for Mr. Howard's RMA zoned property located at 12203 Juanita Drive NE immediately north of his BNA zoned property and consider a change in the land use designation from commercial to multifamily.
- Provide staff with direction on any additional issues to be addressed, information that needs to be provided and/or other zoning options to be researched.

II. BACKGROUND DISCUSSION

Below is background information on the Howard private amendment request (PAR), the Planning Commission's threshold determination, the schedule for the Howard PAR study area and City Council's decision on the threshold determination.

A. Howard PAR Request

On November 22, 2010, Jeff Howard submitted a PAR request for the following changes to his two properties in and near the *Holmes Point Business District* (see Attachments 1 and 2):

- Change the Zoning Map and Comprehensive Plan designation for his vacant property (noted as Property #2 on Attachment 2) located in the *Holmes Point Business District* on Juanita Drive NE from **BNA** (commercial) to **RMA 2.4** (high density at 18 units per acre).
- Change the Zoning Map and Comprehensive Plan designation for his single family property (noted as Property #3 with diagonal lines on Attachment 2) located west of the *Holmes Point Business District* from **RSA-6** (low density at 6 units per acre) to **RMA 2.4** (high density at 18 units per acre).

Mr. Howard indicates in his application that the purpose of the request is to build a multifamily development on these two lots in combination with the RMA 2.4 zoned lot he owns north of his BNA zoned property. Mr. Howard states in his application that the reasons for the request to change the BNA property to RMA 2.4 are as follows:

- Direct vehicular access to his BNA zoned property (Property #2 on Attachment 2) from Juanita Drive NE is not possible because King County redesigned the intersection several years so that his BNA zoned lot lies in the middle of the two closely located intersections at the *Holmes Point Business District*. The two intersections consist of 18 single intersection light fixtures in two square formations with four streets coming at various angles (see Attachment 3). Thus, access for Mr. Howard's BNA zoned property must be provided through Mr. Howard's abutting RMA 2.4 zoned property (Property #1 on Attachment 2) to the north.
- The BNA zoning regulations do not permit residential use on the ground floor, other than a lobby. This would require retail or office use on the ground floor. Mr. Howard does not believe that a commercial use with indirect access through a multifamily development is a marketable space or be a successful business (see Attachment 1).

Following the Threshold Determination study process, **Mr. Howard decided to withdraw his request to change the Zoning Map and Comprehensive Plan**

designation for his RSA-6 zoned property (Property #3 on Attachment 2) to the west of his BNA zoned property (Property #2 on Attachment 2) due to concerns from the neighbor adjacent to his single family property (see Attachments 2 and 4). John and Maria Purpus, the neighbors to the west, are concerned about Mr. Howard's future multifamily development using the 24' wide easement road off of 76th Ave NE that serves their home. Currently only two single family homes use the easement road. Thus, Mr. Howard's PAR request now is only for the lot zoned BNA (Property #2 on Attachment 2).

B. Threshold Determination

On March 10, 2011, the Planning Commission considered the Howard PAR and voted 8 to 1 to not consider the request. The Commission felt that it would be more appropriate to undertake a neighborhood plan prior to considering revised zoning for this area. The Commission asserted that this request needs to be addressed as part of the neighborhood plan or at least as part of a subarea neighborhood business district plan if resource constraints preclude undertaking the neighborhood plan in a timely fashion.

On April 19, 2011, the City Council considered the Howard PAR and directed the Planning Commission to study the request in 2012. In addition, the City Council directed that the study include the two other BNA zoned properties on the west side of the *Holmes Point Business District* located south of the Howard BNA zoned site. The two properties are the City-owned Finn Hill Fire Station property (noted as Property #2 on Attachments 5-7) and the property south of the Fire Station owned by Holmes Point LLC (noted as Property #3 on Attachments 5-7) that contains an office and equipment storage complex.

C. Schedule for Howard PAR Study Area

The proposed schedule for the Howard PAR study area is as follows:

- September 27, 2012: first study session
- October 25, 2012: second study session
- November 15, 2012: public hearing (special meeting date due to the holidays)
- December 11, 2012: City Council final action

D. Commercial Code and Plan Amendment Project

Of importance to this study is that on July 19, 2012, the Planning Commission made a recommendation to the City Council on the Commercial Code and Plan Amendment project. The Planning Commission recommended that the regulations for the BNA zone in the *Holmes Point Business District* be as follows:

Establish residential limits comparable to what the County had in place prior to annexation. The Commission considers this a holding pattern until the

Comprehensive Plan is amended to establish a vision for these commercial areas.

The recommendation is for 1/2,400 square feet (18 dwellings per acre) for the southern BNA zone on Finn Hill (based on lower density surroundings). Commercial uses must be on the first floor with at least 20' in floor depth along 30' of the face of the building. Residential use cannot exceed 50% of the total gross floor area on the property.

Thus, the recommended zoning density would be RMA 2.4. The City Council could make a final decision on the BNA residential density before the public hearing on this study project set for November 15, 2012.

Mr. Howard's request to have his BNA zoned lot (Property #2 on Attachment 2) in the study area be zoned to RMA 2.4 is consistent with the Planning Commission's recommendation.

III. DESCRIPTION OF HOLMES POINT BUSINESS DISTRICT

Staff has identified the following issues to consider in making a recommendation on potential changes to the Zoning and Comprehensive Plan designation for the Howard BNA zoned property (Property #1), the fire station property (Property #2) and the Holmes Point LLC property (Property #3). See Attachments 5-7:

- Configuration of the intersections serving the *Holmes Point Business District*, and in particular access on the study area
- Lack of commercial visibility for at least one of the lots in study area
- Minimal width and size of two of the lots in the study area
- Balance between retaining land zoned for commercial versus constraints of the lots in the study area to serve commercial uses
- Property owners' desire to change the zoning on the properties

The *Holmes Point Business District* is served by the three streets of Juanita Drive NE, NE 122nd Place and 76th Place NE/Holmes Point Drive that form a complex two-intersection design. Juanita Drive is the main aerial. The three streets come together at angles that result in an offset 4-legged street layout. An undeveloped, wooded triangular property, part of Juanita Woodlands Park, separates Juanita Drive NE and 76 Place NE/Holmes Point Drive. Because of this two-intersection configuration, accessing businesses from the opposite driving lanes is a challenge.

Rob Jammerman, Development Engineering Manager, and Thang Nguyen, Transportation Engineer, looked at the site and concluded that Mr. Howard's BNA zoned property (Property #1) cannot have a curb cut on Juanita Drive NE due to the location of that potential curb cut in the area between the two intersections (see Attachment 3). Vehicular access must be from Mr. Howard's RMA property (Property #3 on Attachment 2) to the north or from his RSA-6 single family lot (Property #3 on Attachment 2) to the west.

On the east side of the business district and south of NE 122nd Place is a commercial strip development called Juanita Park Plaza that contains a Union 76 gas station, a mini mart, and several neighborhood oriented businesses. North of NE 122nd Place is the Shell gas station, mini mart, carwash and fast food restaurant. The buildings are one story in height with parking in front of the stores. The businesses on the east side of the *Holmes Point Business District* have direct access onto Juanita Drive NE or NE 122nd Place via curb cuts and have good commercial visibility.

On the west side of the business district is the study area containing Mr. Howard's BNA zoned lot under consideration for a change in zoning, the Finn Hill Fire Station and the Holmes Point LLC office and equipment storage complex (Properties #1, #2 and #3 on Attachments 5-7).

As mentioned earlier, King County reconfigured the intersections several years ago so that Mr. Howard's BNA zoned lot frontage (Property #1) is between the two closely located intersections and thus cannot have direct access off of Juanita Drive NE (see Attachment 3). The Finn Hill Fire Station (Property #2) has limited access because drivers' must quickly yield across 76th Place NE/Holmes Point Drive to make a left or right turn onto Juanita Drive NE. Drivers coming up from the south on Juanita Drive NE must turn left and cross 76th Place NE/Holmes Point Drive to access the site. The property owned by the Holmes Point LLC (Property #3) has direct access off of 76th Place NE/Holmes Pt. Drive. Their property is not visible from Juanita Drive NE and thus is not oriented to the commercial district.

To the west and northwest is a multifamily area zoned RMA 2.4 and a portion zoned RMA 5.0. Mr. Howard owns the RMA zoned lot (Property #A) directly north of his BNA lot under consideration for a zoning and land use designation change. The site is heavily wooded and had access in the past off of Juanita Drive NE. A 31-unit multifamily development is north of Mr. Howard's multifamily property and has access both off Juanita Drive NE and 76th Ave NE to the west. The development has split zoning with the eastern half zoned at RMA 2.4 and the western half zoned at RMA 5.0 (see Attachment 6).

North and east of the *Holmes Point Business District* are multifamily and single family neighborhoods (see Attachment 6).

IV. DESCRIPTION OF THE STUDY AREA

Below is a table describing each of the four lots in the study area (see Attachments 5-7 for corresponding property numbers and letters and Attachment 9 for photos of study area):

Property in Study Area	Lot Size	Lot Dimension	Use	Site conditions	Access
Property #1 Howard PAR site 12035 Juanita Drive NE	22,229 square feet	Approx. 88' wide by 252' deep	Vacant	Wooded with slight slope up to the west and down to the south.	Not possible.
Property #2 Fire Station 12034 Juanita Drive NE	18,701 square feet	Approx. 87' wide by 213' deep	Fire station	Mostly paved with minimal landscaping. Slight slope up to the west.	Via 76 th Place NE. Access to Juanita Drive is challenging.
Property #3 Holmes Pt. LLC 12034-76 th Place NE (also called Holmes Point Drive)	61,536 square feet	Approx. 248' by 248'	Office & diving company with some outside storage	Dense trees surrounding two buildings. Prior site of the Northshore Sewer District Administration offices.	Via 76 th Place NE.
Property #A Howard RM 2.4 site 12203 Juanita Drive NE	56,658 square feet	Approx. 178' wide by 298' deep	Vacant. Once contained a single family home.	Trees and open areas.	Via Juanita Drive. Limited access unless intersection is reconfigured.

Mr. Howard's BNA zoned property (Property #1) has potential commercial visibility, but no possible direct access due to the configuration of the two intersections in front of the site. Mr. Howard's RMA zoned property (Property #A) can have access off of Juanita Drive NE, but it will be limited to right turns only unless the intersection lights are reconfigured. The fire station property (Property #2) has limited commercial visibility. The Holmes Point LLC property (Property #3) has no commercial visibility. Both the fire station and Holmes Point LLC have only indirect access to Juanita Drive NE by turning left or right from 76th Place NE/Holmes Point Drive.

A RSA-6 single family neighborhood is located west of the study area. Juanita Woodlands Park is south of the study area. To the north of the study area is the 31-unit condo development.

V. OPTIONS FOR CHANGING THE ZONING FOR PROPERTY #1 - #3

Mr. Howard has requested that the zoning and land use designation on his property (Property#1) be changed from BNA to RMA 2.4 to be able to construct a multifamily development in combination with his multifamily lot to the north (Property #A).

The current BNA zoning regulations require commercial use on the first floor with only a lobby allowed to access residential uses on the upper floors. The Planning Commission's proposed changes to the BNA zoning would further limit residential to only 50% of the gross floor area of the site. Mr. Howard does not believe that a commercial use on his property would be successful due to the lack of direct access to the site and the narrowness of the lot frontage along Juanita Drive NE.

On September 10, 2012, staff met with Jim Dobler, one of the two principal owners of the Holmes Point LLC along with Dan Roseta. Mr. Dobler is interested in either office or multifamily for any future redevelopment of the site (Property #3). He does not want the existing office use to become non-conforming and is not interested in a retail uses on the first floor should they decide to redevelopment the site because of the lack of visibility from Juanita Drive NE (see Attachment 8).

The City Council is currently discussing the City's Fire Master Plan. The initial thought is to keep the Finn Hill Fire Station open. As part of the City Council's decision on zoning for the Howard PAR study area, the City Council will weigh in on its preferred zoning as owner of the fire station property.

Below is a table showing the various options for changes to the Zoning and Comprehensive Plan designation for Property #1 - #3 in the study area:

Options	Allowed Uses	Change in dimensional standards from BNA regulations to other zones	Comments
<u>Option A</u> RM 2.4 (MDR18)	Multifamily and neighborhood retail limited by type & size. Office not allowed.	Increases front yard to 20', decreases side yard to 5', decreases lot coverage to 60%	<ul style="list-style-type: none"> • The option would make Holmes Point LLC site nonconforming and not able to expand. • This option would eliminate certain potential commercial uses. • City Council may or may not want to reduce redevelopment potential of the fire station site.
<u>Option B</u> PR 2.4 (Office/MF)	Professional office, multifamily and neighborhood retail, including restaurants	Increases front yard to 20', decreases side yard to 5',	<ul style="list-style-type: none"> • This option would suit the objectives of both Mr. Howard and Holmes LLC.

	and small retail spaces.	decreases lot coverage to 70%	<ul style="list-style-type: none"> • City Council may or may not want to reduce redevelopment potential of the fire station site.
Option C BNA, but allow MF on first floor	Provide a special regulation that would allow residential on first floor for study area only.	No change. Current dimensional standards for BNA zoning are minimum 10' for all yards and maximum lot coverage is 80%.	<ul style="list-style-type: none"> • This option would suit the objectives of both Mr. Howard and Holmes Point LLC. • This option would deviate from the standard commercial zone regulation where residential use is not allowed on the first floor.

When considering the various options, the Planning Commission will want to consider what is appropriate for each property in the study area and the area as a whole, and whether the zoning in the study area should be the same or a mix of zones.

There is no Finn Hill neighborhood plan or subarea plan for the business district. Any change to the zoning or land use designation for the study area would be only to the Zoning and Land Use Maps. Text could be added to the Land Use Element Chapter of the Comprehensive Plan about the study area, but staff does not see a need for the text. The City should wait until the Finn Hill neighborhood plan or a commercial subarea plan is prepared to include a discussion about the study area in the Comprehensive Plan.

VI. INCONSISTENCY BETWEEN THE ZONING AND LAND USE MAPS FOR HOWARD RMA 2.4 ZONED PROPERTY (PROPERTY #A)

Prior to 1996, the City's Zoning Map and Land Use Map did not have the same designations for many properties in the City. Property owners would apply for quasi-judicial rezones to be permitted to develop the uses allowed under the Land Use Map, but not allowed under by the Zoning Map, such as a change from multifamily to commercial. As a result of the Growth Management Act, in 1996 the City did extensive citywide rezones and land use map changes to have the Zoning Map and Land Use Map designations consistent for all properties.

King County's Zoning Map and Land Use Map are not always consistent. Prior to the Finn Hill/Kingsgate/Juanita annexation, King County's Land Use Map designated Mr. Howard's RMA 2.4 zoned property (Property #A) directly north of Mr. Howard's BNA zoned property as commercial use, but the Zoning Map designated the property as residential. Upon review of the proposed changes, the City kept the discrepancy in

place for Mr. Howard's property with adoption of the annexation Zoning and Land Use Plan maps (see Attachments 6 and 7).

The reason for this continued inconsistency is that the City wanted to retain as much potential commercial designated property as possible. The City considered changing the zoning on Mr. Howard's property from multifamily to commercial during review of the annexation zoning, but neighbors near the property objected. The inconsistency was left to be dealt with during a later neighborhood plan.

Mr. Howard has indicated in his PAR application that he would like to build a multifamily development by rezoning his BNA lot and combining the two lots into one project. Changing the designation on the Land Use Map to high density multifamily at 18 units per acre to be consistent with the Zoning Map would meet Mr. Howard's objectives while meeting the GMA requirement of consistency between the Zoning Map and Land Use Map.

Staff recommends that the Planning Commission consider changing the Land Use Map designation for Mr. Howard's RMA 2.4 zoned property at 12203 Juanita Drive NE, Parcel no. 6076500060 (Property #A) from **Commercial to High Density Residential 18** (18 unit per acre) as part of this study.

VII. PUBLIC NOTICE

Two public notice signs are being installed along both Juanita Drive NE and 76th Ave NE to provide notice of the study sessions and public hearing. Mailed notice will be provided to property owners within 300 feet of the study area (not required in Section 160.40 KZC for the notice requirements).

As discussed above, staff has spoken to the owners of the Homes Point LLC property (Property #3 on Attachments 5-7) in the study area and to John Purpus, the single family homeowner west of Mr. Howard's BNA zoned property (Property #1 on Attachments 5-7). Staff has also spoken to Marilynne Beard, the Assistant City Manager, about the future of the Finn Hill Fire Station property and what the City may want to do with the property if the fire station were to be closed.

VIII. APPLICABLE COMPREHENSIVE PLAN POLICIES AND RELATED TEXT

The following policies and text should be considered in the decision of whether to change the zoning for the study area:

A. Land Use Element Chapter

- *Policy LU-1.1: Tailor development regulations to fit unique circumstances.*

Staff comment: The study area has unique access and commercial visibility issues due to the side by side 2-intersection layout with four streets merging from different angles at the Lower Finn Hill commercial area.

- ***Policy LU-1.2: Create logical boundaries between land use districts that take into account such considerations as existing land uses, access, property lines, topographic conditions and natural features.***

Staff comment: The logical boundary of the BNA zone may need to be changed because of the access and commercial visibility issues for the study area.

- ***Policy LU-2.3: Ensure an adequate supply of housing units and commercial floor space to meet the required growth targets through efficient use of land.***

Staff comment: The City needs to balance the supply of housing units and commercial space in meeting the City's growth targets. Given the issues of access and commercial visibility, flexibility in allowed uses may provide more efficient use of the land in the study area, such as the Professional Office (PR) zone or revisions to the BNA regulations.

- ***Policy LU-3.2: Encourage residential development within commercial areas.***

Discussion under the policy: Residential development within commercial areas should be compatible with and complementary to business activity. Residential use should not displace existing or potential commercial use.

Staff comment: If the BNA zone designation is replaced with a RMA zone designation for the study area, the existing office use on the Holmes Point LLC site could be displaced or not allowed to expand with redevelopment of the site. Both the PR zone and BNA zone amended with a special regulation for the study area to allow residential on the ground floor would still allow for future commercial uses.

- ***Policy LU-4-4: Consider neighborhood character and integrity when determining the extent and type of land use changes.***

Staff comment: The current neighborhood character of the *Holmes Point Business District* is one of a small scale commercial center serving the everyday needs of the neighborhood surrounded by low, medium and high density residential uses. Considering integrity of the land use designation, the expectation that the study area would support intense, successful retail uses is not likely to be met due to the issues of access and commercial visibility. Office and multifamily uses are likely to be more successful.

- ***Section under Commercial Land Uses, page VI-13: Commercial land uses are a critical part of the Kirkland community. They provide shopping and service opportunities for Kirkland residents, and also create employment within the City. The tax revenue generated by businesses help fund the***

capital facilities and public services that residents enjoy (1st paragraph under section).

Along with the need to provide new housing units for future residents, the City will need to designate adequate land area for commercial uses, some of which may employ Kirkland residents (1st sentence in 3rd paragraph under section).

Staff comment: The City generally wants to maintain existing areas zoned for commercial use and even expand when appropriate. However, if certain properties do not have adequate access and/or visibility to accommodate commercial uses, it may not be the best use of the land to restrict those properties to commercial zoning. Both a PR zone designation and a change to the BNA development standards would still allow commercial uses, but would give the property owners flexibility in having residential development.

B. Economic Development Element Chapter

- ***Policy ED-1.4: Strengthen Kirkland's tax base.***

Discussion under policy: Business plays an important role in the City's tax base...Sales revenue is the largest contributor to the City's revenue. Retail businesses are the largest generator of sale tax followed by contracting, wholesale, and service businesses.

Staff comment: As described above in the memo, the study area is not ideal for retail uses due to poor access and lack of commercial visibility. Office and multifamily uses are appropriate for both the Holmes Point LLC and fire station sites.

- ***Policy ED-5.1: Build and maintain infrastructure systems for utilities, transportation and telecommunications to optimize service delivery to the business community.***

Staff comment: As stated above, the configuration of the intersection at the Lower Finn Hill commercial area prevents access to Mr. Howard BNA zoned property and limits access to the fire station property. Access to the Holmes Point LLC site is not directly off of Juanita Drive NE so the property has no commercial visibility.

- ***Policy ED-2.4: Consider the economic effects on businesses and the economic benefit to the community when making land use decisions.***

Staff comment: As Mr. Howard has stated in his application, he does not believe that a commercial use on his property would be successful because direct access to Juanita Drive NE is not feasible and the property has limited frontage on the street. If redeveloped, the fire station property would likely

have restricted left turns out of the site due to the configuration of the intersection. The Holmes Point LLC property owners believe that successful retail uses are unlikely on their property due to lack of visibility from the commercial intersection.

IX. CRITERIA FOR APPROVING CHANGES TO THE ZONING MAP, LAND USE MAP AND ZONING CODE TEXT

As the Planning Commission studies whether to recommend changes to the Zoning Map, Comprehensive Plan's Land Use Map and/or Zoning Code text, the following criteria need to be considered:

A. Section 130.15 Legislative Rezones – Criteria

The City may decide to approve a legislative rezone only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposal bears a substantial relationship to the public health, safety, or welfare; and
3. The proposal is in the best interest of the community of Kirkland.

B. Section 135.25 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland.

C. Section 140.25 Factors to Consider in Approval an Amendment to the Comprehensive Plan

The City shall take into consideration, but not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.

3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

D. Section 140.30 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.

X. ATTACHMENTS

1. Howard PAR application
2. Original Howard PAR map showing his requests
3. Diagram of *Holmes Point Business District* intersections
4. Howard email dated 9/4/12 withdrawing RSA-6 property from request
5. Aerial of study *Holmes Point Business District*, including study area
6. Zoning Map of *Holmes Point Business District*, including study area
7. Comprehensive Plan's Land Use Map of *Holmes Point Business District*, including the study area
8. Jim Dobler, Holmes Point LLC, email, dated 9/14/12
9. Pictures of study area

cc: File ZON11-00005



RECEIVED

NOV 22 2010

AM
PLANNING DEPARTMENT

BY

CITY OF KIRKLAND
 PLANNING AND COMMUNITY DEVELOPMENT
 123 Fifth Avenue, Kirkland, WA 98033
 425.587.3225
 www.ci.kirkland.wa.us

**APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN,
 ZONING CODE AND ZONING MAP**

Directions: You may use this form or answer questions on separate pages.

I. CONTACT INFORMATION:

- A. Applicant Name: JEFFREY S. HOWARD
- B. Mailing Address: 16350 NE 51ST ST. REDMOND WA 98052
- C. Telephone Number: (425) 869-8017
- D. Email Address: LCLDIRON@COMCAST.NET
- E. Property Owner Name (if different than applicant): T.T. HOWARD LLC
- F. Mailing Address: SAME ABOVE
- G. Telephone Number: " "
- F. Email Address: " "

Note: If the applicant is the property owner, or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.

12035 & 12203 JUANITA DR. NE
 AND

II. FOR SITE SPECIFIC PROPOSAL:

- A. Address of proposal: (if vacant provide nearest street names) 12034 76TH AVE NE
- B. King County Tax Parcel number(s): 6076500101, 6076500060, 6076500105
- C. Describe improvements on property if any: 1 SINGLE FAMILY RESIDENCE ON
 6076500105, 12034 76TH AVE NE

D. Attach a map of the site that includes adjacent street names.

III. FOR ALL PROPOSALS:

A. Description of Proposal:

REQUEST TO ALLOW ZONING OF 6076500101 TO BE CHANGED FROM COMMERCIAL TO RMA 2.4. CHANGE 6076500105 FROM RMA 5 TO RMA 2.4

B. Description of the specific reasons for making the proposal:

STREET ACCESS LIMITATIONS AND SMALL PARCEL SIZE PREVENT VIABLE COMMERCIAL USE OF 6076500101. ZONING MODIFICATION OF 6076500105 WOULD ACCOMMODATE PARKING, OPEN SPACE PLAY AREA, DETENTION VAULT

C. Description of how the proposed amendment relates to the following criteria: § 2-4 UNITS

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

SEE SUPPLEMENT TO C.1 ATTACHED

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.

SEE SUPPLEMENT TO C.2 ATTACHED

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.

SEE SUPPLEMENT TO C.3 ATTACHED

T. T. Howard, LLC
16350 NE 51st St. Redmond WA 98052
(425) 869-8017 FAX (425) 861-8942
Email: 1oldiron@comcast.net

18 NOV 10

Supplement to Citizen Initiated Amendment request to the Comprehensive Plan submitted by T.T. Howard, LLC.

Regarding to the following parcels:

12035 Juanita Dr. NE, Parcel # 6076500101

12203 Juanita Dr. NE Parcel # 6076500060

12034 76th Ave. NE Parcel # 6076500105

Section III. Question C. 3.

Item C, question 3 relates to inconsistencies or clarifications within the Comprehensive Plan and whether this application is made to address such.

In the course of the annexation proceedings, Kirkland for the most part grafted Kirkland zoning designations over those already existing in the County system. Very little if any real changes in permitted uses were affected, or will be when the process is complete. There is no "inconsistency" in the Comprehensive Plan; however there is an anomaly that occurred under King County administration which is basically obsolete at the present time.

In the distant past, Parcel # 6076500101 had a small commercial building fronting Juanita Drive. It has served as a barber shop and a real estate office at different times. Fire District 41 has an active station on the parcel immediately to the south.

Section III, Question C. 3. Page 2

About ten years ago, King County completely redesigned, realigned, and upgraded the intersection at Juanita Drive, NE 122nd Street, and Holmes Point Drive. That redesign basically landlocked the parcel in question for most practical purposes. The property is only 88 feet wide along the previous road frontage. It can now only be accessed through the property to its north, or off Holmes Point Drive, dangerously close to the intersection and across the Fire Station entry area. Attempting to develop any viable commercial usage of this small piece of land appears to be untenable.

The request herein is to alter the Comprehensive Plan if necessary to alleviate the restrictions presently in force that preclude the subject parcel to be developed into what is its highest and best use. It remains zoned as Commercial, it may never become an addition to the City tax base in any meaningful way. Re-zoning it to RMA 2.4 as is the property to the north would allow its use as medium density residential and very soon add value to the neighborhood and the City.

Parcel # 6076500105 to the immediate west is presently zoned R-6-P and will become RMA 5.0 under the Kirkland system. It is perfectly located to enhance the development of the two parcels to its east, and was purchased for those purposes.

The "flag lot" configuration allows the development to efficiently loop the water mains between Juanita Drive and 76th Ave NE. Since the bulk of the property sits on a basin break, part of the storm water will be routed out the long driveway and tied into the existing system to the west. The same plan will apply to the necessary sewage lines.

By being included in the larger development, the driveway will also be available for non-motorized traffic to and from neighborhoods to the west and the commercial area east of the main road. An emergency vehicle gate will enable Fire Department access from the west should such a need arise which eliminates any potential bottlenecks of a single entry/egress point.

Section III, Question C. 3. Page 3

The primary usage planned for the subject parcel is for a storm water detention vault, a play area/park, guest parking, and perhaps two new homes. It is not the intent of the developer to crowd the lot with the maximum number of units that would be permitted under RMA 2.4, but to include the property in the larger development to absorb the vault, play area, and parking requirements of the entire project. Such a usage will not adversely impact privacy or property values in the neighborhood to the west.

T. T. Howard, LLC
16350 NE 51st St. Redmond WA 98052
(425) 869-8017 FAX (425) 861-8942
Email: 1oldiron@comcast.net

17 NOV 10

Supplement to Citizen Initiated Amendment Request to the Comprehensive Plan submitted by T.T. Howard, LLC.

Regarding the following parcels:

12035 Juanita Dr. NE, Parcel # 6076500101

12203 Juanita Dr. NE Parcel # 6076500060

12034 76th Ave. NE Parcel # 6076500105

Section III, Question C. 1.

The most intelligent and economically feasible development of these parcels in today's economic conditions is medium density residential. The largest parcel, (6076500060) is already zoned appropriately at R-18 under King County and will be RMA 2.4 in the Kirkland system. The adjacent piece to the south of it (6076500101) is presently zoned Neighborhood Business and will be zoned Commercial (Kirkland). The property to the west (6076500105) is presently zoned R-6-P (King Co.) and will be RMA 5.0 (Kirkland).

The NB zoned property is not particularly well suited to commercial use for several reasons. The location opening into a very bizarre intersection creates access and egress problems for any measurable volume of traffic. The narrow dimensions of the property also restrict the types of commercial uses to which it could be put. The present market for commercial space is very adverse to any hopes of leasing space due to the economic conditions. Last but not least, the nearby residents to the west would not appreciate in the least some sort of commercial activity if it could be avoided.

Section III, Question C. 1. Page 2

In relation to the Comprehensive Plan Framework/Goals, residential development of all three parcels will best fit the long term vision of the community. FG-1 specifically aims for, among other things, “neighborhoods with a variety of housing types, styles, and ages”. The plan for development of this property envisions something similar to the “cottage concept” in which unique stand-alone small single family homes are placed in close proximity while maintaining their individual separation. A courtyard layout allows the garage to be toward the rear of each unit, deemphasizing the garage and showcasing the front porch, entry, and courtyard. This design will add another attractive tier to the “desired character” called for in FG-1.

FG-2, Support for a Strong Sense of Community, envisions neighborhoods and retail business areas. A small friendly retail base already exists across Juanita Drive to the east, but the west side presently is all residential. Creating residential growth in the area in which it already exists and is supported by those living nearby seems to more closely satisfy the purpose of FG-2.

FG-3 calls for among other things: Vibrant and stable residential neighborhoods ...with housing for diverse income groups, age groups and lifestyles. To the west are single family homes. To the west and north are duplex designed town homes. The plan for these three parcels will fall exactly in between the two types in the nearby neighborhoods thus increasing the lifestyle and affordability selections available in the area.

FG-5 and FG-7 both touch on environmental protection and sustainability. The most important feature in this community is the minimization of storm water run-off by utilizing efficient designs to allow each home site to act as its own detention facility. The design and engineering of the concept is too involved to describe here. However through the use of pervious ground cover and a below ground detention facility and filter, nearly all runoff from each home site will be contained on and dissipated on each site. The storm water vault serving the development will in nearly all events be holding and releasing runoff from only the street areas.

Section III, Question C. 1. Page 3

FG-9 calls for “safety and accessibility for those who use alternative modes of transportation within and between neighborhoods, public spaces”. The corridor existing on the “flag lot” (6076500105) is envisioned to be available to non motorized traffic to allow access and egress between the neighborhood to the west and the intersections and crosswalks at Juanita Drive and NE 122nd St and their adjacent commercial establishments. Conversely, residents of the new homes would have easy access to the parks to the west. King County Metro Bus Service serves Juanita Drive daily as well.

FG-14 emphasizes minimizing low density sprawl. The plan for this property fits well in that concept. The requested zoning adjustment will allow the placement of a number of medium density housing units on the three parcels while eliminating one single family home on a large lot without adversely affecting the neighborhood or nearby property values.

T. T. Howard, LLC
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18 NOV 10

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Regarding the following parcels:

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12203 Juanita Dr. NE Parcel # 6076500060

12034 76th Ave. NE Parcel # 6076500105

Section III, Question C. 2.

As applied to the Public Interest, it is felt that this proposal is best acted upon during the current year rather than being postponed into some later date framework.

In present economic conditions, relatively affordable housing is not abundantly available in the Juanita-Kirkland vicinity. There are a few exceptions, of course, but many such opportunities are functionally obsolete resale properties scattered about among various neighborhoods. The concept being planned for these three parcels will fall into a very desirable price range for new homes. This will enable many buyers who are presently either priced out of the market, or limited to shopping for resale properties to purchase new homes. These very buyers, as members of the general public, will benefit from this proposal.

Two of the lots are presently vacant and generating no appreciable tax revenue to the County or the City. Developing only the north parcel as presently zoned is not economically feasible for the developer. Intersection and signal upgrades along with utility access costs are substantial and could not be readily absorbed into a project limited to that one piece.

Section III, Question C. 2. Page 2

As described in the Supplement to Question C-1, the small Commercial zoned property is severely limited due to access and dimensional characteristics – not to mention very probable neighborhood objections. At one time, it had a small two room office on the site and had direct access to Juanita Drive. The intersection modifications in recent years eliminated that access. The only potential routes would be through the residential parcel to the north, or off Holmes Point Drive through the Fire Station area.

Shoehorning some commercial use into that small space would not create a viable income producing property. In addition to that, commercial space is a drag on the market at this time and could well be for the foreseeable future. The owner would face a choice of constructing an almost certain economic loser or leaving the property vacant if the present zoning stands. Neither possibility would benefit the general public or the City of Kirkland.

Rezoning the third parcel to allow the development to create a higher and better use would benefit the environment and the neighboring homes along with the development itself. This would allow the placement of a couple additional new affordable homes where now stands an older rented home. The storm water vault would be placed there along with a park-like public play area and perhaps some required guest parking.

Both the homes to the immediate west are presently utilizing on site septic systems which have given the owners some warning signs in the past. They are also served by long plastic water lines running from meters on 76th Avenue. One line failed a few years ago and caused a large leakage loss to the owner and to the Water District. Replacing one home solves half the problem, and since both sewer and water lines will be placed in the long “flag lot” driveway; the remaining home can be connected to the municipal sewage system and have a direct connection to a relocated water meter.

Section III, Question C. 2. Page 3

In conclusion, the benefits to the general public are as follows:

1. All three parcels would be converted to zoning allowing highest and best use *dictated by their location, access requirements and dimensions* – not by an out of date County zoning designation.
2. A community of affordable new homes will be built that will enhance home selection opportunities for those who wish to live in the area.
3. The City tax base will be increased.
4. Bicycle and pedestrian access to and from Juanita Drive and neighborhoods and parks to the west will be enhanced.
5. No objectionable commercial activity will be conducted on the residential neighborhood side of Juanita Drive.
6. Two on-site septic systems will be eliminated before they can completely fail.
7. A very attractive buffer between residential properties to the west and traffic and commercial activity along Juanita Drive will be created.

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12203 Juanita Dr. NE Parcel # 6076500060

12034 76th Ave. NE Parcel # 6076500105

Section III. Question C. 3.

Item C, question 3 relates to inconsistencies or clarifications within the Comprehensive Plan and whether this application is made to address such.

In the course of the annexation proceedings, Kirkland for the most part grafted Kirkland zoning designations over those already existing in the County system. Very little if any real changes in permitted uses were affected, or will be when the process is complete. There is no "inconsistency" in the Comprehensive Plan; however there is an anomaly that occurred under King County administration which is basically obsolete at the present time.

In the distant past, Parcel # 6076500101 had a small commercial building fronting Juanita Drive. It has served as a barber shop and a real estate office at different times. Fire District 41 has an active station on the parcel immediately to the south.

Section III, Question C. 3. Page 2

About ten years ago, King County completely redesigned, realigned, and upgraded the intersection at Juanita Drive, NE 122nd Street, and Holmes Point Drive. That redesign basically landlocked the parcel in question for most practical purposes. The property is only 88 feet wide along the previous road frontage. It can now only be accessed through the property to its north, or off Holmes Point Drive, dangerously close to the intersection and across the Fire Station entry area. Attempting to develop any viable commercial usage of this small piece of land appears to be untenable.

The request herein is to alter the Comprehensive Plan if necessary to alleviate the restrictions presently in force that preclude the subject parcel to be developed into what is its highest and best use. It remains zoned as Commercial, it may never become an addition to the City tax base in any meaningful way. Re-zoning it to RMA 2.4 as is the property to the north would allow its use as medium density residential and very soon add value to the neighborhood and the City.

Parcel # 6076500105 to the immediate west is presently zoned R-6-P and will become RMA 5.0 under the Kirkland system. It is perfectly located to enhance the development of the two parcels to its east, and was purchased for those purposes.

The "flag lot" configuration allows the development to efficiently loop the water mains between Juanita Drive and 76th Ave NE. Since the bulk of the property sits on a basin break, part of the storm water will be routed out the long driveway and tied into the existing system to the west. The same plan will apply to the necessary sewage lines.

By being included in the larger development, the driveway will also be available for non-motorized traffic to and from neighborhoods to the west and the commercial area east of the main road. An emergency vehicle gate will enable Fire Department access from the west should such a need arise which eliminates any potential bottlenecks of a single entry/egress point.

Section III, Question C. 3. Page 3

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