



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3225 - www.kirklandwa.gov

MEMORANDUM

Date: October 16, 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)**

Planning Commission: please bring your copy of the Howard PAR packet from the September 27, 2012 meeting

Table of Contents

- I. Recommendation
- II. Background Discussion
- III. More Discussion on BNA Zoning Option
- IV. Additional Traffic Information
- V. Public Notice
- VI. SEPA Determination
- VII. Attachments

I. RECOMMENDATION

- Continue discussion on potential changes to the zoning and land use designation for the Howard, Finn Hill Fire Station and Holmes Point LLC properties.
- Continue discussion on 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 information needed for the November 15, 2012, public hearing.

II. BACKGROUND DISCUSSION

On September 27, 2012, the Planning Commission held a [study session](#) on the Howard PAR study area. The Commission discussed the various options outlined in the staff memo for the meeting.

The five Planning Commission members in attendance indicated an interest in considering the Professional Office/Multifamily (PRA) option (noted as Option B in the meeting packet) for the three properties in the study area. They thought that the PRA zoning would be appropriate since it allows multifamily on the ground floor that meets Mr. Howard's objective, continues to allow office that meets the Holmes Point LLC's objective and continues to permit some retail uses, but not the wide range of retail uses allowed in the BNA zoning.

The Planning Commissioners also discussed changing the Comprehensive Plan's Land Use Map for the Howard's RMA property from commercial to multifamily to make the Zoning Map and Land Use maps consistent. They thought that the map should be changed.

Mr. Howard, the applicant for the private amendment request, spoke at the beginning of the meeting and reiterated his interest in developing his two vacant properties into one multifamily development. Both Mr. Howard and Mr. Dobler of Holmes Point LLC attended the study session.

III. MORE DISCUSSION ON BNA ZONING OPTION

Option C in the staff memo dated September 18, 2012, would retain the BNA zoning, but would allow residential without a requirement for commercial space for only the area west of Juanita Drive NE.

The option would suit the objectives of both Mr. Howard and Holmes Point LLC. It would also retain the highest level of development potential for the fire station property should the City decide to relocate the fire station and sell the property.

The goal of the commercial designations in the Comprehensive Plan is to have at least some retail and/or office use on commercially zoned properties. As part of the 2012 Commercial Code Amendment project, the Planning recommended to the City Council that residential use be limited to 50% of the total gross floor area on a property to reflect the prior King County standards and to ensure that commercial uses make up more than just the ground floor of a structure. A critical question for these properties is whether commercial retail uses are viable given the poor visibility, difficult access and grade changes sloping to the south.

The simplest change would be to retain the BNA zoning and commercial designation and to amend the BNA use zone chart to allow residential on their properties with no required commercial component. Neighbors become concerned when rezones

are considered because they think that it would result in greater impacts to their area.

An example of neighborhood concerns is that someone this week stapled bright banners onto the four public notice signs installed in the study area stating that high density would be allowed and to appeal the SEPA Determination. The Comprehensive Plan classifies multifamily at 18 units per area as high density, whereas the Plan does not establish a classification designation for those commercially zoned properties that do not have a specified density limit. The public notices for the PAR study described the change from commercial to high density residential designation for the Howard RMA property (Lot A). The notice did not include the information that the commercial designation has no density standard.

Attached are potential draft amendments to the BNA zone that would allow residential development without a commercial component (see Attachment 1). One special regulation and a change to one of the general regulation are all that would be needed to allow solely residential uses on the properties.

Another consideration is the difference in the commercial uses allowed in the BNA versus the PRA zone. The following uses are not allowed in the PRA zones:

- Retail uses up to 10,000 square feet (in PRAs zone are, retail is limited to a maximum 3,000 square feet)
- Motor vehicle and boat sales
- Drive through facilities
- Storage businesses
- Cultural and recreational uses
- Vehicle service stations

The allowed commercial uses in the PRA zone are neighborhood oriented and retail businesses must be smaller in size than in the BNA zones.

The **key issue** before the Planning Commission is whether it would be appropriate to keep the commercial designation for the study area, but allow solely residential developments to occur as the simplest way to address Mr. Howard's request or to rezone the properties to office/multifamily (PRA) to reflect Mr. Howard's future development plans and possibly the Holmes LLC's plans as well.

IV. ADDITIONAL TRAFFIC INFORMATION

Planning Commissioner Jon Pascal contacted staff with questions about vehicular access to the two Howard properties. He asked how the Howard BNA property (Lot 1) would obtain access if he did not own the lot to the north. Thang Nguyen, the City's traffic engineer, said that Mr. Howard would be required to install a signal on the east side of Juanita Drive NE opposite his property, change the phasing on the existing signals and limit access to right turn only.

For the Howard RMA property (Lot A) to the north, if vehicular access is provided at the northeast corner, access would be limited to right turn only. If Mr. Howard installed a signal on the east side of Juanita Drive at NE 122nd Place opposite his RMA property and the existing signals are re-phased, access would be at the center of his development. Turning movements would not be limited.

In either case, installation of a signal and re-phasing of the existing signals are expensive.

V. SEPA DETERMINATION

A Determination of Non-Significance was issued on October 5, 2012, for the Howard PAR study. The appeal deadline is October 19, 2012.

VI. PUBLIC NOTICE

Four public notice signs have been installed in the study area along both Juanita Drive NE and 76th Ave NE to provide notice of the study sessions and public hearing. Mailed notice has been provided to property owners within 300 feet of the study area (not required in Section 160.40 KZC for the notice requirements). In addition, the notice has been published in the *Seattle Times* newspaper.

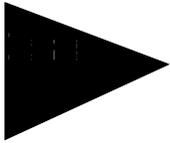
VII. ATTACHMENTS

1. Potential draft changes to the BNA use zone charts
2. Diagram of intersection signals showing access within study area

cc: File ZON11-00005

40.08 User Guide. The charts in KZC 49.15 contain the basic zoning regulations that apply in each BN and BNA zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
40.08**

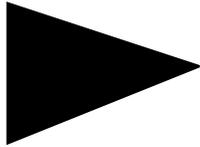


Section 49.10 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. *(no change)*
2. *(no change)*
3. *(no change)*
4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishment, restaurants, taverns or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway. [\(Does not apply to properties west of Juanita Drive NE or west of 76th Place NE in the BNA zone.\)](#)
5. *(no change)*

Section 40.10
BN, BNA



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS10													
Section 40.10	USE <input type="checkbox"/>	REGULATIONS <input type="checkbox"/>	Required Review Process	MINIMUMS				MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
	Stacked Dwelling Unit. See Special Reg. 1 <u>See Spec Reg 3.</u>		None	None	Same as reg. for ground floor <u>See Spec Reg 3.</u>	Same as reg. for ground floor <u>See Spec Reg 3.</u>	Same as reg. for ground floor <u>See Spec Reg 3.</u>	Same as reg. for ground floor <u>See Spec Reg 3.</u>	Same as reg. for ground floor <u>See Spec Reg 3.</u>	A	1.7 per unit	<ol style="list-style-type: none"> 1. This use, with the exception of the lobby, may not be located on the ground floor of a structure. 2. Chapter 115KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associates with this use. 3. <u>For properties west of Juanita Dr NE and west of 76th Place NE in the BNA zone, the following applies:</u> <ol style="list-style-type: none"> a. <u>This use is allowed on the ground floor of a structure.</u> b. <u>Minimum required front yard is 10'.</u> c. <u>Minimum required side yard is 5', but 2 side yards must equal at least 15'.</u> d. <u>Minimum required rear yard is 10'.</u> e. <u>Maximum required height of structure is 35' above average building elevation.</u> f. <u>Landscape buffer is Category D.</u> 	

HOWARD PRIVATE AMENDMENT REQUEST STUDY AREA, ZON11-00005

CONFIGURATION OF 2 INTERSECTIONS

X = TRAFFIC LIGHT FIXTURE

HOWARD PROPERTY
RM 2.4 ZONE

7 TRAFFIC LIGHTS

HOWARD PROPERTY
BNA ZONE

FIRE STATION

HOLMES PT LLC

JUANITA DRIVE NE

NE 122ND ST

NO ACCESS

11 TRAFFIC LIGHTS

COMMERCIAL AREA

76TH PLACE NE

JUANITA DRIVE NE

WOODED PARK

STUDY AREA



0 10 20 30 40 Feet
0 0.004 0.008 0.012 0.015 Miles



Produced by the City of Kirkland
© 2012, the City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Name: Howard_Base
Date Saved: 8/12/2012