

ORDINANCE NO. 225

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING
OF A .75 ACRE PARCEL LOCATED AT 20028 15th AVE NE FROM R-6
TO CONTRACT ZONE #CZ-99-02 SUBJECT TO RESTRICTIVE
COVENANTS**

WHEREAS, the subject property, located on the east side of 15th Avenue NE at 20028 15th Avenue, is designated on the Comprehensive Plan Map as High Density Residential; and

WHEREAS, owners of the property have applied to rezone the above property from R-6 to a Contract Zone. The Planning Commission considered the application for zone change at a public hearing on November 18, 1999, and has recommended approval as subject to a concomitant zoning agreement as a covenant restricting the uses and setting conditions of development as specified in this Contract Zone and Concomitant Zoning Agreement #CZ-99-02; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council reviewed the recommendations of the Planning Commission and determined that the proposed amendment and Concomitant Zoning Agreement should be approved to provide residential development to accommodate growth consistent with the State of Washington Growth Management Act (RCW Ch. 36.70A);

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Findings. The Planning Commission's Findings and Recommendation attached hereto as Exhibit A approving the rezone of the parcel, more fully described and depicted in Exhibit B, attached hereto, are hereby adopted.

Section 2. Amendment to Zoning Map. The official zoning map of the City of Shoreline adopted by Ordinance No. 225, is hereby amended to change the zoning classification of that certain property described and depicted in Exhibit B attached hereto, from R-6 to Contract Rezone #CZ-99-02 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the Concomitant Zoning Agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Covenant, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date and Reversion. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the proper execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit C; provided, that if said Agreement is not executed and recorded within thirty days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If a complete building application for development of the property rezoned by this ordinance is not filed within three (3) years of the effective date of this ordinance, or owners of all interest in the property file a written request, the property shall revert to an R-6 land use designation or such other default land use designation as may hereafter be adopted by the City Council.

PASSED BY THE CITY COUNCIL ON JANUARY 24, 2000



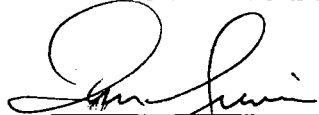
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: January 27, 2000

Effective Date: February 1, 2000

Commission Meeting Date: November 18, 1999

PLANNING COMMISSION FINDINGS AND RECOMMENDATION
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: ROBERT PARKER RECLASSIFICATION OF PROPERTY (CONTRACT REZONE) File # 1999-00869

After reviewing and discussing the Robert Parker Contract Rezone Reclassification of Property (Contract Rezone) at a public hearing on November 18, 1999 for the of a 22-unit 3-level apartment building on .75 acres, and considering the testimony and written comments presented, the Shoreline Planning Commission makes the following Findings, Conclusions, and Recommendations to the City Council.

SUMMARY INFORMATION

Project Name:	Robert Parker Contract Rezone
Project Address:	20028 15 th Avenue NE (Parcel Number 741770-0060 Lot 6, Block 1, Rose Addition)
Zoning:	R-6 (Residential – 6 units/acre)
Property Size:	approximately .75 acres (100 ft. X 300 ft.)
Proposed Action:	Contract Rezone
Comprehensive Plan Designation:	High Density Residential
Application Number:	1999-00869
Applicants:	Parker Development Corporation
Property Owner:	Parker Development Corporation
Public Hearing Date:	November 18, 1999

I. PROPOSAL:

The proposed reclassification of property (contract rezone) would permit the development of a 22-unit 3-level apartment building on about .75 acres of land located at 20038 15th Avenue NE on the east side of the street, approximately 300 feet north of the intersection with Forest Park Dr. NE. The application was submitted by Robert Parker, of Parker Development Incorporated, (P.O. Box 7025, Shoreline, WA 98133) on May 20, 1999. The application was determined to be complete on August 10, 1999. A Mitigated Determination of Non-Significance (MDNS) was issued on October 26, 1999. The proposal is further described in the Concomitant Rezone Agreement (Exhibit B). Details of the proposal include:

- A. three levels; a lower level garage and two apartment levels, each with 11 units;
- B. 15,200 square feet footprint of the proposed building, which covers 47% of the lot;
- C. total impervious surface, including the footprint of the building and all driveways and walkways is to cover 20,252 square feet, 62% of the property;
- D. individual units, although still in the design stage, are intended to be approximately 1,100 square feet in area with two bedrooms and two baths;
- E. 49 off-street parking stalls: 44 resident (two handicapped) parking stalls located in the first level garage and 5 guest (one handicapped) parking stalls located between the street and the building;
- F. pedestrian access provided by a lighted walkway from the street to the principal entrance of the building;
- G. vehicular access accommodated by two 16-foot wide one way driveways;
- H. 3,200 square feet recreation area, located at the rear of the property, accessible from the garage and by a pathway leading from guest parking;
- I. height of the apartment building to be approximately 40 feet high from the garage slab to the roof ridge;
- J. architectural elements, such as recessed balconies, trellised entry, and chimneys to break up the building façade;
- K. elevator to provide access to the upper floors; and
- L. existing vegetation to be incorporated with landscaping.

II. FINDINGS:

1. Project Site

- 1.1 The subject property is approximately .75 of an acre, 100 feet wide and more than 300 feet long.
- 1.2 One existing single-family home currently occupies the site. The proposal requires the demolition of this structure.
- 1.3 Several large trees, brush, and other vegetation grow throughout the site.
- 1.4 The site gently slopes up to the east boundary line at an approximate 6 percent grade.
- 1.5 The eastern 8 feet of the property is extremely steep with about a 54 percent slope.
- 1.6 The eastern slope is vegetated with fir, cedar, and madrona trees.

2. Neighborhood

- 2.1 The subject property is within Annexation Area A-3 on the east side of 15th Avenue NE, a street classified as a principal arterial.
- 2.2 The neighborhood surrounding the subject property includes a variety of development types. Apartments buildings of varying sizes and densities are located north and west of the site.

- 2.3 Single-family houses mix with multi-family developments to the south of the site. An older single-family house occupies the lot directly south.
- 2.4 The Ballinger Commercial District lies immediately east of the subject lot. Commercial uses adjacent to the lot are the Washington Tree Service and McDonald's Restaurant.

3. Comprehensive Plan

- 3.1 The Shoreline Comprehensive Plan provides for the development of 1,600-2,400 new dwelling units over a 20-year planning period.
- 3.2 The Comprehensive Plan Land Use Designation Map identifies the subject lot as High Density Residential. The current residential density of 1.3 units per acre indicates the site is underutilized and is not consistent with the density goals of the Comprehensive Plan. If the site were to be reclassified to the most intensive zone listed under the High Density Residential Land Use Designation and developed to the full potential possible, up to 36 residential units (or a density of 48 units per acre) could be built.
- 3.3 The Comprehensive Plan also calls for high density residential areas to be near employment and commercial areas and to have access to transit service.

4. Zoning Designation

- 4.1 The designated zone for the subject property is Residential – 6 units per acre (R-6).
- 4.2 The current R-6 zone is not consistent with the Comprehensive Plan's High Density Residential land use designation. Although the land use designation could permit a simple zone reclassification, a contract rezone is desirable because of property and design restraints. These restraints are further explained below in Section III: Analysis/Issues.

III. ANALYSIS/ISSUES

1. Density

A density of 29 units per acre would be created by the development of the proposed 22 unit apartment building. The contract rezone agreement specifies the number of dwelling units at 22. At a density of 48 units per acre, a total of 36 units might be permitted.

2. Traffic and vehicular access

In order to determine the impacts of increased traffic generation from the project on the surrounding area, a SEPA mitigation measure was imposed in the Mitigated Determination of Non Significance (MDNS) (*Attachment II*). This measure requires the applicant to submit a traffic study prior to the proposed site design, as necessary, to mitigate any significant adverse traffic and pedestrian safety impacts that are identified.

3. Stormwater

In order to mitigate the impacts of increase stormwater runoff from the site on the downstream portions of the McAleer Subasin, a SEPA mitigation measure was imposed in the Mitigated Determination of Non-Significance (MDNS) calculations and plans prior to the application of the building permit that demonstrates at least a Level 2 Flow Control for the proposed development. The Applicant is required to comply with the other core

requirements outlined in the 1998 edition of the King County Surface Water Design Manual. The applicant will be required to record with King County a Declaration of Covenant Associated with Development of Retention/Detention Facility for Surface Water Runoff.

4. Architectural Design Elements

The applicant has provided schematic elevation drawings of the proposed building to show architectural elements that will be incorporated in the design. The applicant may make minor changes to materials and design. A grassy recreation area has been provided at the rear of the building. This area will be accessible to disabled persons through the garage.

5. Height Limits

The Comprehensive Plan permits an increase in height when approved by a contract rezone. The plan also encourages development to be designed with parking away from the street. The narrowness of the subject lot and the use of the lower level for parking, requires the building design to have a base height of 40 feet. The increase of 5 feet from the base height guideline will not have a significant impact on the neighborhood.

6. Setbacks

The proposed site design shows guest parking and a trash and recyclables collection enclosure five feet from the southern boundary. Staff has determined that if conditions are imposed to mitigate any adverse impacts to the abutting R-6 property, the impacts would not be significant. The abutting property is also designated High Density Residential by the Comprehensive Plan and has a high potential for redevelopment. The proposed five feet setback for the guest parking and trash enclosure meets the standard setback requirement between multi-family properties. The mitigating conditions would include the installation of a 6 – feet high solid wood fence to prevent the intrusion of headlights and five feet wide landscaping buffer.

7. Installation of Utilities

All utility lines, including but not limited to, electric, telephone, and cable will be required to be installed underground.

8. Landscaping and significant tree retention

Landscaping will be a significant aspect of the development. A landscaping plan, stamped by a licensed landscaping architect, will be submitted with the building permit. The plan will provide significant buffers to shield abutting commercial uses. In addition, solid fencing or other architectural barriers used as buffers will be incorporated into the landscaping. The proposal includes a landscaped area between the two driveways, placed to obscure garage entry. As many of the existing trees as possible will remain on the site. The trees will be incorporated into the landscaping plan. The applicant has reported some of the trees may be diseased. The City will require an arborist's report to be submitted prior to any removal of trees approved as part of the landscaping plan, unless the diseased trees are in imminent danger of falling and causing damage to person or property. Any significant tree that is removed will be replaced by the property owner.

9. Parking and pedestrian access

Guest parking will be provided at the entrance to the building. The guest stall closest to the elevator will be handicapped accessible. A hard surface pathway from the guest parking to the recreation area at the rear of the building will be provided along the south side of the building. If barrier-free accessibility to the recreation area is provided through the lower garage, the pathway material may be of a non-approved impervious surface, such as stepping stones. A raised concrete walkway will be provided from the street sidewalk to the principal entrance of the building. The sidewalk will be located where minimal conflict between pedestrians and vehicles could occur.

10. Street Frontage Improvements

The proposed development will require an upgrade to the existing street frontage. The standard improvement to 15th Avenue NE is construction of curb and gutter, 6 feet wide sidewalk, a 4 feet wide landscaping strip between the curb and sidewalk. The landscaping strip must include street trees chosen from the City's approved tree list. All sidewalk impediments, such as fire hydrants and utility poles, will be relocated, if necessary, to safer locations. In no case will these impediments be allowed to remain in the sidewalk.

11. Water and sewer availability

A Certificate of Water Availability was received from the Shoreline Water Department indicating an improvement to water service may be required, depending on fire flow requirements. If an improvement is required, construction can occur concurrently with building construction. A Certificate of Sewer Availability was received from the Shoreline Wastewater Management District indicating a side sewer connection was the only improvement required provided the sewer system has the capacity to serve the new line.

IV. CONCLUSIONS

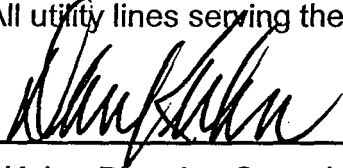
1. The proposed contract rezone to permit the development of a 22 unit apartment building is in conformance with the Shoreline Comprehensive Plan and the Washington State Growth Management Act.
2. The proposed development is an appropriate land use for the subject property and is consistent with the character of the neighborhood.
3. The proposal will provide adequate public facilities and services to the building and will not denigrate from the level of service provided to neighboring properties.
4. The proposed development will assist the City of Shoreline in meeting its housing production targets as established by King County to meet our obligation under the Growth Management Act.
5. The Contract Zoning Agreement will provide certainty about what will be developed on the site. If the development does not proceed in a timely manner, the additional development right granted by this contract rezone will be void.

V. RECOMMENDATION

The Planning Commission recommends that the Reclassification of Property (Contract Rezone) be approved subject to the following conditions.

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. The total number of dwelling units permitted shall be twenty two (22).
3. The project shall comply with all mitigation measures as specified in the Determination of Non-Significance, Attachment II.
4. The project shall be constructed according to the architectural design shown on the building elevation plans, Attachment III, with allowances for minor changes to materials and design.
5. The project shall be constructed with a base height not greater than forty (40) feet, as measured from the existing average grade.
6. The project shall be constructed according to the site design shown on the site plan, Attachment IV, including the following elements (exception, see Condition 7):
 - A total number of forty nine (49) off-street parking stalls, five (5) devoted to guest parking, shall accommodate the parking needs of the use. The guest stalls shall be clearly marked as guest. All resident stalls shall be located in the first level garage as designed.
 - Guest parking and dumpster/recyclables collections enclosure shall maintain a minimum setback of five (5) feet from the southern property line. Landscaping which provides a full screen shall be installed and maintained within the five (5) foot setback. The architecture of the collections enclosure shall be consistent with the architecture of the project.
 - A six (6) foot high solid fence and a minimum twenty (20) foot landscaping buffer shall be installed along all property lines abutting commercial or industrial uses. Pathways serving the residents may be located within the buffers.
 - A hard surface pathway from the guest parking to the recreation area behind the building may have a width less than the required minimum, if barrier-free accessibility to the recreation area is maintained through the lower level garage. The pathway's surface material shall be approved by the City of Shoreline.
 - An arborist's report shall be submitted prior to any removal of significant trees approved as part of the site and landscaping plans, unless diseased trees are in imminent danger of falling and causing damage to person or property. Any significant tree that is removed shall be replaced by the property owner.

7. Frontage improvements along 15th Avenue NE shall be upgraded to the current standards for the street as specified by City of Shoreline Public Works Department. These specifications include:
- Construction of curb and gutter, a six (6) foot wide sidewalk, and a four (4) foot wide landscaping strip between the curb and sidewalk. The landscaping strip shall include street trees chosen from the City of Shoreline's approved tree list.
 - All sidewalk impediments, such as fire hydrants and utility poles, shall be relocated, if necessary, to safer locations. In no case shall these impediments be allowed to remain in the sidewalk.
8. All utility lines serving the project shall be installed underground.



Dan Kuhn, Planning Commission Chair

1/12/00

Date



VICINITY ZONING MAP
SHOWING CONTRACT ZONE
CZ-99-02 FOR THE PARKER DEVELOPMENT



ZONING KEY

- R-6: Residential -6 units/acre
- R-12: Residential -12 units/acre
- R-24: Residential -24 units/acre
- R-48: Residential -48 units/acre
- CB: Community Business
- RB: Regional Business
- O: Office

Map not to scale

LEGAL DESCRIPTION FOR CZ-#1999-02

Lot 6, Block 1, Rose Addition No. 2, according to the plat thereof recorded in volume 34 of Plats, Page 26 in King County, Washington, being in the northwest quarter of the northwest quarter of Section 4, Township 24, Range 4.

**CONCOMITANT REZONE AGREEMENT
AND COVENANT RUNNING WITH THE LAND**

Contract Zone No. CZ-99-02

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated _____, 2000, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and ROBERT PARKER of PARKER DEVELOPMENT, INCORPORATED (hereinafter "Owner").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

Lot 6, Block 1, Rose Addition No. 2, according to the plat thereof recorded in volume 34 of Plats, Page 26 in King County, Washington, being in the northwest quarter of the northwest quarter of Section 4, Township 24, Range 4.

(Hereafter described as "Property").

B. Owner has applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has approved the rezone application provided the Property is developed under conditions and limitations which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the Owner covenants and agrees, on behalf of himself and his successors and assigns, that during the entire period that the Property is zoned CZ-99-02, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owner specifically agrees that this Covenant touches, concerns, enhances, benefits and runs with the Property.

- 1. Title.** Owner is the sole and exclusive owner of the Property described above.
- 2. Uses.** The Owner or his successors may construct twenty-two (22) residential units in one (1) building on the Property.
- 3. Conditions.** The rezone of the Property is subject to the conditions recited in Attachment I.
- 4. Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
- 5. Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an

ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

6. Filing. A copy of this covenant will be filed for record with the King County Records and Elections Division.

7. Attorney Fees. In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER

CITY OF SHORELINE

Robert Parker

Bob Deis, City Manager

APPROVED AS TO FORM

Ian Sievers, City Attorney

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Robert Parker appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By:

Notary Public in and for the State of Washington
residing at _____
My commission expires _____.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Bob Deis appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By: _____
Notary Public in and for the State of Washington
residing at _____.
My commission expires _____.

**CONDITIONS OF CONCOMITANT REZONE AGREEMENT
AND COVENANT RUNNING WITH THE LAND
Contract Zone No. CZ-99-02**

The rezone of the property is subject to the conditions recited herein as follow:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. The total number of dwelling units permitted shall be twenty two (22).
3. The project shall comply with all mitigation measures as specified in the Determination of Non-Significance, Attachment II.
4. The project shall be constructed according to the architectural design shown on the building elevation plans, Attachment III, with allowances for minor changes to materials and design.
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8. All utility lines serving the project shall be installed underground.