

ORDINANCE NO. 431

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S OFFICIAL ZONING MAP TILE NUMBER 451 CHANGING THE ZONING FROM RESIDENTIAL 8 DU-AC (R-8) TO RESIDENTIAL 12 DU-AC (R-12)) WITH CONTRACT REZONE #R-CZ-06-01, SUBJECT TO RESTRICTIVE COVENANTS, FOR THE PARCEL LOCATED AT 18016 STONE AVENUE N (PARCEL NUMBER 7276100285

WHEREAS, the owner of the property, with parcel number 7276100285, has filed an application to reclassify the property from Residential 8 units per acre (R-8) to Residential 12 units per acre (R-12); and

WHEREAS, on June 15th, 2006, a public hearing on the application for reclassification of property was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on June 15th, 2006, the Planning Commission recommended approval of the reclassification to R-12 as well as a number of conditions for redevelopment, subject to a covenant restricting the uses and setting conditions of development as specified in the Contract Zone and Concomitant Zoning Agreement #R-CZ-06-01 and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Determinations of the Planning Commission specifically that the reclassification of property, located at 18016 Stone Avenue N (parcel number 7276100285) to R-12 is consistent with the goals and policies of the Comprehensive Plan and appropriate for this site;

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

Section 1. Findings. The Findings and Determinations on File No. 201522 as set forth by the Planning Commission on June 15th, 2006 and as attached hereto as Exhibit A is hereby adopted.

Section 2. Amendment to Zoning Map. The Official Zoning Map Tile 471 of the City of Shoreline is hereby amended to change the zoning classification of said parcel described and depicted in Exhibit B located at 18016 Stone Avenue N (parcel number 7276100285) from R-8 to R-12 with contract Zone #R-CZ-05-01 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.

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Section 4. 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 Ordinance, or the application of such provision to other persons or circumstances, shall not be affected.


Section 5. Effective Date. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the property execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit C; provided, that if such Agreement is not executed and recorded within thirty (30) days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If owners of the property file a written request, the property shall revert to the original land use designation prior to this rezone or such other default land use designation as may hereafter be adopted by the city council.

PASSED BY THE CITY COUNCIL ON JULY 24, 2006.



Mayor Robert L. Ransom

APPROVED AS TO FORM:



Ian Sievers
City Attorney

ATTEST:



Scott Passey
City Clerk

Date of Publication: July 27, 2006
Effective Date: August 1, 2006

**FINDINGS AND DETERMINATION OF THE CITY OF SHORELINE PLANNING
COMMISSION**

Scott Becker Rezone Request File #201522

Summary-

Following the public hearing and deliberation on the request to change the zoning designation for a 15,200 Sq. Ft. parcel located at 18016 Stone Ave N, the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action.

I. FINDINGS OF FACT**1. Project Description-**

- 1.1 Rezone the subject parcel from R-8 (Residential 8 units per acre) to R-12 (Residential 12 units per acre).
- 1.2 Site Address: 18016 Stone Ave N
- 1.3 Parcel Number: 727610-0285
- 1.4 Zoning: R-8
- 1.5 The subject property has a current land use designation of Medium Density Residential identified on the City of Shoreline's Comprehensive Plan Land Use Map. The status of Medium Density Residential allows for a change in zoning up to R-12 zoning.

2. Procedural History-

- 2.1 Public hearing held by the Planning Commission: June 15th, 2006
- 2.2 Notice of Public Hearing and SEPA Determination of Nonsignificance: May 4th, 2006
- 2.3 End of 14 day Public Comment Period: April 27th, 2006
- 2.4 Notice of Application with Optional DNS: April 13th, 2006
- 2.5 Complete Application Date: April 7th, 2006
- 2.6 Application Date: April 4th, 2006
- 2.7 Neighborhood meeting Date: March 3rd, 2006
- 2.8 Pre-Application Meeting Date: February 3rd, 2006
- 2.9 Notification of Neighborhood Meeting: December 13th, 2005

3 Public Comment-

3.1 The following individuals participated in Neighborhood Meetings:

No individuals attended the neighborhood meeting.

3.2 Written Comments have been received from:

Name	Comment
Laura Brent, AICP	Removal of trees may affect trees on adjacent lot, loss of screening, access easement, construction noise, drainage from increased impervious surfaces.
Yefim Leibman and Ella Goltsman	Rather see two homes instead of four, increased traffic, water draining to adjacent properties, trees falling onto adjacent property, new development adjacent to subject parcel will add to drainage concerns.
Martin Kral	Historic structure on the site, R-12 would be spot zoning, out of character for the neighborhood and loss of trees.
Cong-Qiu Chu and Hon Bai	Adverse environmental impacts, devalue homes in the neighborhood, would like to see two homes maximum.

3.3 Oral testimony was received from:

Cong-Qiu Chu, Yefim Leibman, Rebecca Glass, Brian Lee, Martin Kral and Ellie Brandower.

4 SEPA Determination-

- 4.1 The optional DNS process for local project review, as specified in WAC 197-11-355, was used. A Notice of Application that stated the lead agency's intent to issue a DNS for this project was issued on May 4th, 2006 and a 14-day comment period followed ending May 18th, 2006. City staff determined that the proposal will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030 (2) (c). This decision was made after visits to the project site and review of the environmental checklist, and other information on file with the City. A notice of determination of nonsignificance was issued on May 18th, 2006.

7. Consistency –**5.1 Site Rezone:**

The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B).

- 5.2 A recommendation to approve the Rezone does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but are not limited to the following: Dimensional and Density Standards 20.50.010, Tree Conservation 20.50.290, Surface and Stormwater Management 20.60.060, and Streets and Access 20.60.140 and any conditions of the Rezone.

II. CONCLUSIONS**SITE REZONE:**

Rezoning is subject to criteria contained in the Development Code. The proposal must meet the decision criteria listed in Section 20.30.320(B) of the SMC. The criteria are listed below, with a brief discussion of how the request meets the criteria.

1. The rezoning is consistent with the Comprehensive Plan.

The Comprehensive Plan land use map identifies the subject properties as *Medium Density Residential*. The site is currently underutilized—the parcel is developed with

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one single family home (developed at a density of 2.8 dwelling units per acre)—this is not consistent with the density goals and policies of the Comprehensive Plan which plans for this site to accommodate 8 to 12 dwelling units per acre to support housing targets within the City. The proposed zone change will allow the parcels to be developed to the level anticipated in the Comprehensive Plan.

R-12 zoning is an appropriate designation for the site. Placing R-12 zoning on the site allows the City to add development conditions that achieve many goals and policies of the Comprehensive Plan including incorporating low impact development techniques, small building footprints to reduce overall building coverage, protection of trees and natural vegetation on-site including retaining 65% of significant trees, environmentally friendly building materials and less impact to the natural features of the parcel than if developed under the current zoning designation.

The proposed development also promotes design that minimizes stormwater runoff rate and volume by limiting the size of building footprints and total site coverage, maximizing the protection of permeable soils and natural vegetation, and encouraging use of permeable pavements and surfaces.

2. The rezone will not adversely affect the public health, safety or general welfare.

Staff concludes the proposed rezone and redevelopment of this site will positively affect the public health, safety and welfare of the surrounding neighborhood and community. The new construction will strive to protect the nature features and vegetation of the site. Unlike other recently added subdivisions in the immediate area, the applicant is proposing to place the new dwelling units around the natural features of the lot without disturbing most of the mature trees and vegetation. The latest in low impact development techniques are proposed for stormwater management, 65% of the significant trees on-site will be retained and required sidewalks will meander around very mature trees along Stone Avenue N. and not result in their removal.

3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan.

The subject parcel is currently zoned R-8. Right now, the site is developed with one single-family house at a density of 2.8 dwelling units an acre which is underdeveloped under the current zoning category.

The Comprehensive Plan states that the Medium Density Residential Land Use designation is intended for areas where single family detached dwelling units might be redeveloped at slightly higher densities; and to areas currently zoned for medium density residential.

The applicant is proposing four low-impact single-family detached dwelling units which are fully supported by the goals and policies of the Comprehensive Plan. R-12 zoning would be an appropriate designation for the subject site, as it would reflect similar net densities as those uses near it.

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

At this time there appears to be minimal negative impacts to the properties in the immediate vicinity of the subject rezone.

The applicant is proposing low impact development techniques in addition to on-site retention. Examples of the features that could be used are rain gardens, small building footprints, restrictive use of impervious surfaces and other low impact measures.

The applicant is proposing to retain at least 65% of the significant trees on-site, 45% more trees than the code requires. The applicant is proposing to exceed all code requirements in terms of tree retention and protection by proposing to keep as many of the significant trees as possible and place structures in and around the natural features of the parcel. The trees left in place will continue acting as a natural screen between properties to the north, east, west and south.

5. The rezone has merit and value for the community.

By approving this specific redevelopment proposal, the aesthetics of the structures and site planning will be much more environmental friendly than if the site developed without the proposed rezone. Under the current zoning of R-8, the property owner could develop three single-family homes, cover much more of the site with impervious surfaces, and cut down most of the trees on-site without taking into account the neighbors' concerns. Staff believes by granting this rezone and conditions as presented to the Planning Commission, the City and the surrounding community will get a much better product that tries to fit into the natural aspects of the site rather than destroying it.

III. RECOMMENDATION

Based on the Findings, the Planning Commission recommends approval of application #201522; a rezone from R-8 to R-12, with the addition of the following conditions:

Condition #1- The scale and architecture of homes must exhibit characteristics of those presented at the Planning Commission such as small building footprints, lower building heights and homes that don't directly access Stone Ave N and are inwardly oriented.

Condition #2- Low impact development techniques must be used.

Condition #3- Building heights shall not exceed 25 feet.

Condition #4- At least 60% of significant trees shall be retained.

Condition #5- Trees acting as a natural screen on the north, west, east and south shall not be substantially modified from their current state.

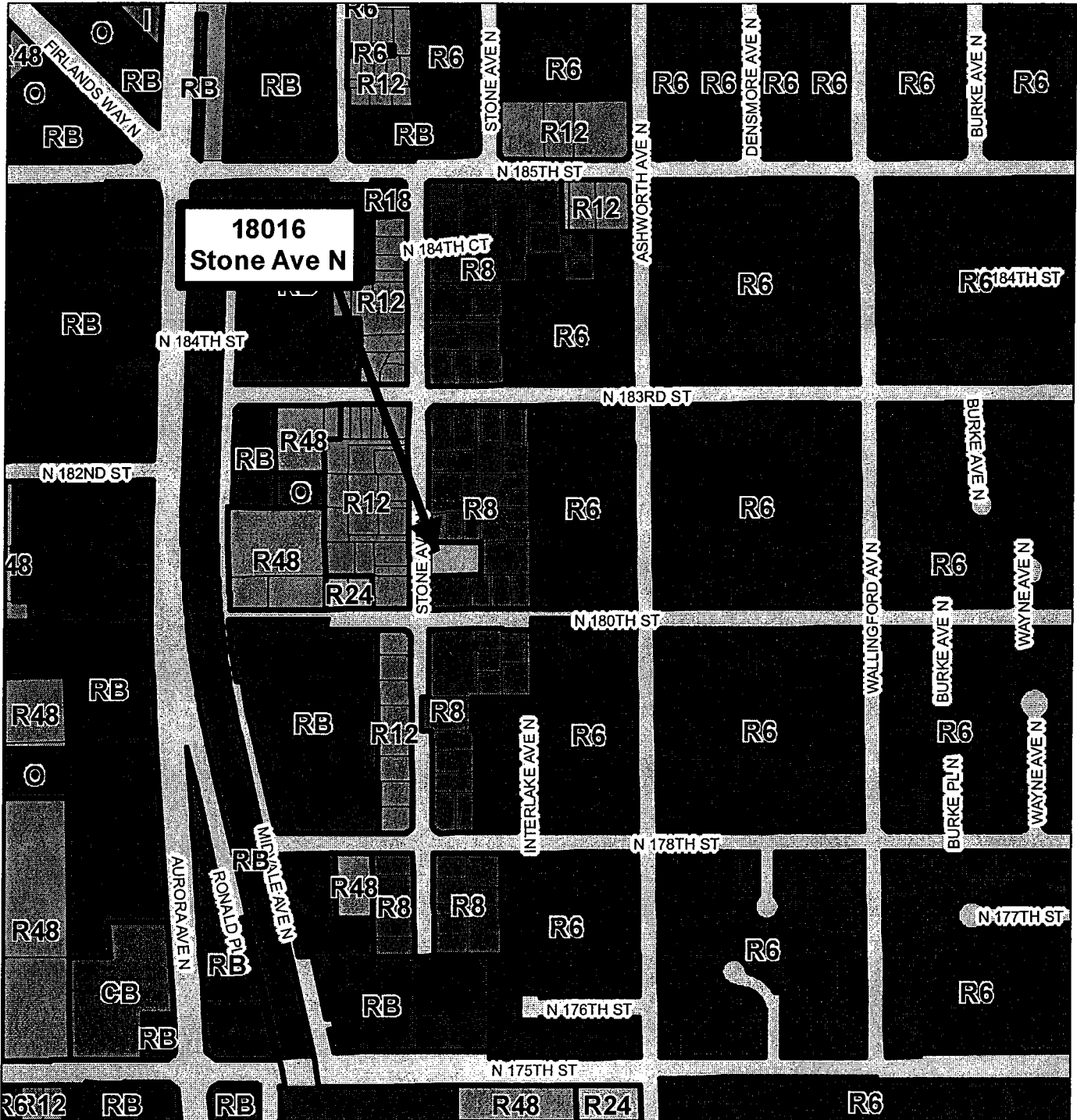
Condition #6- Prior to development, an Arborist is retained by the developer to evaluate the northeast portion of the property and remove any hazardous trees present. Also, an Arborist shall visit the site to review tree removal during the course of development.

City of Shoreline Planning Commission



Chairperson

Date: 6 July 2006



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Geographic Information System
City of Shoreline Zoning

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

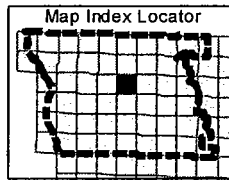
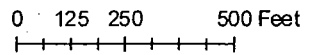
Shows amendments through June 21, 2005.

Created on April 18, 2006

Legend

- 8824 CB - Community Business
- 8825 CZ - Contract Zone
- 8826 I - Industrial
- 8827 NB - Neighborhood Business
- 8828 NCBD - North City Business District
- 8829 O - Office
- 8830 R12 - Residential 12 units/Acre
- 8831 R18 - Residential 18 units/Acre
- 8832 R24 - Residential 24 units/Acre
- 8833 R4 - Residential 4 units/Acre
- 8834 R48 - Residential 48 units/Acre
- 8835 R6 - Residential 6 units/Acre
- 8836 R8 - Residential 8 units/Acre
- 8837 RB - Regional Business
- 8838 RB-CZ - Regional Business/Contract Zone

- Parcel Line
- Zone District Boundary
- City Boundary
- Unclassified Right of Way



No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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EXHIBIT C
Ordinance No. 431

CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Contract Zone No. RB-CZ-05-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated _____, 2006, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and Scott M. Becker (hereinafter "Owners").

RECITALS

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

TRACT 1 OF KING COUNTY SHORT PLAT NO. 1075029, AS RECORDED UNDER RECORDING NO. 7604290637, RECORDS OF KING COUNTY AUDITOR, Parcel No. 7276100285 (Hereafter described as "Property").

B. Owner has applied to rezone the Property from its current zoning, to Residential 12 units per acre (R-12), consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has conditionally 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 City and Owners agree as follows:

1. Title. Owners are the sole and exclusive owners of the Property described above.
2. Covenant. Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned R-CZ 6-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.

Concomitant Rezone Agreement - Contract Zone No. R-CZ-06-01.

3. Uses. The Owners or their successors may construct a residential development on the Property subject to the following conditions:

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Condition #1- The scale and architecture of homes must exhibit characteristics of those presented at the Planning Commission such as small building footprints, lower building heights and homes that don't directly access Stone Ave N and are inwardly oriented.

Condition #2- Low impact development techniques must be used.

Condition #3- Building heights shall not exceed 25 feet.

Condition #4- At least 60% of significant trees shall be retained.

Condition #5- Trees acting as a natural screen on the north, west, east and south shall not be substantially modified from their current state.

Condition #6- Prior to development, an Arborist is retained by the developer to evaluate the northeast portion of the property and remove any hazardous trees present. Also, an Arborist shall visit the site to review tree removal during the course of development.

4. 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, or 2) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to the R-8 land use designations existing immediately prior to passage of Ordinance No. 431 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.

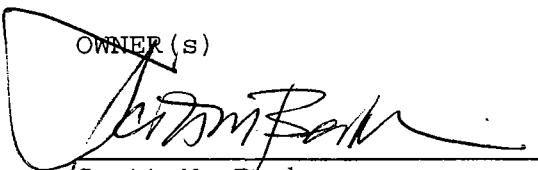
5. Filing. A copy of this covenant will be filed for record with the King County Records and Elections Division.

6. Remedies. Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

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(s)


Scott M. Becker

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Robert Olander
Robert Olander, City Manager

CITY OF SHORELINE

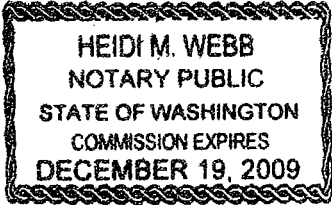
APPROVED AS TO FORM:
Ian Sievers
Ian Sievers, City Attorney

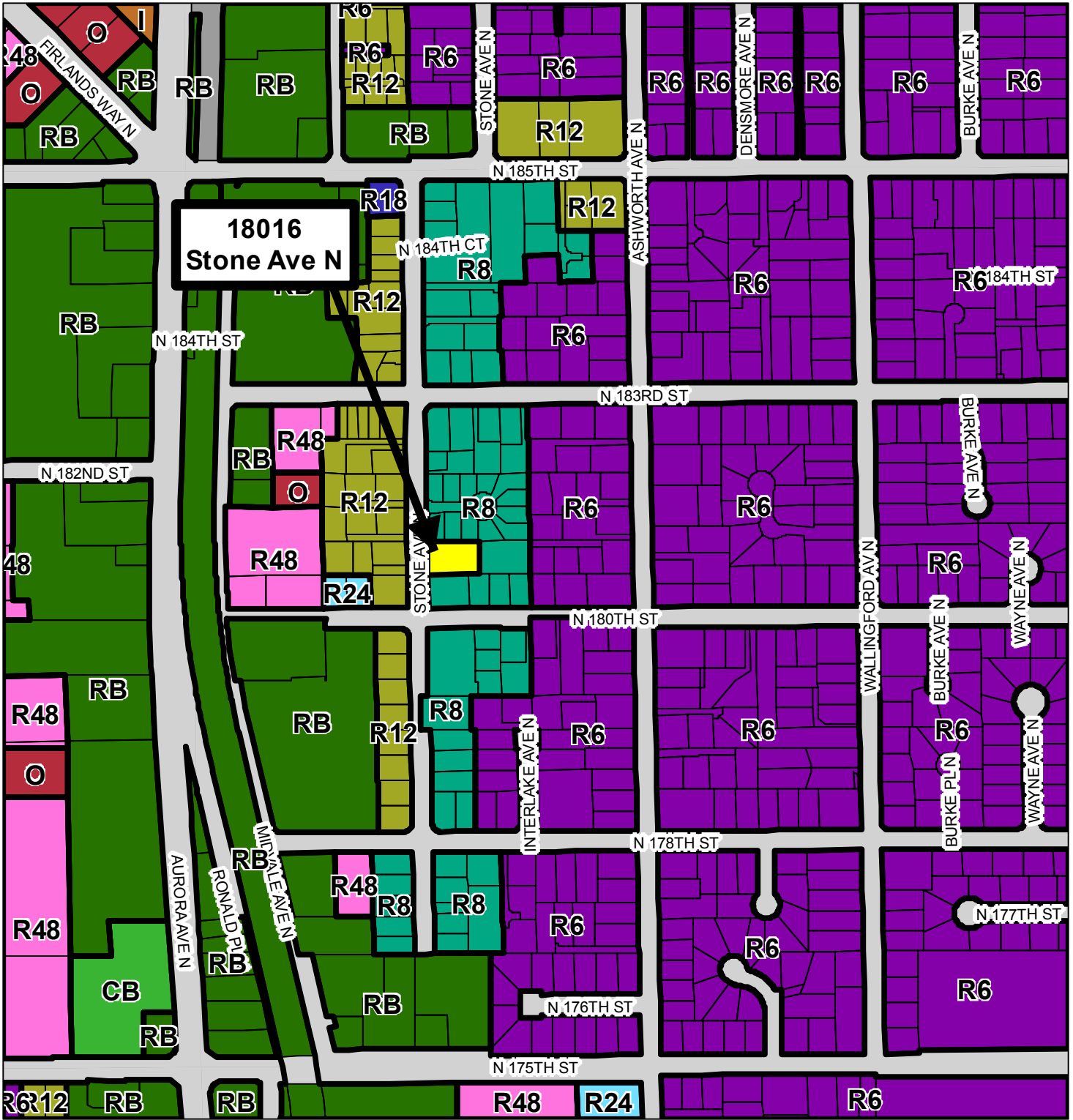
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Scott M. Becker, representing _____ 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: July 27, 2006

By: Heidi M. Webb
Notary Public in and for the State of Washington
residing at Snohomish Co.
My commission expires 12-19-2009.





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Geographic Information System
City of Shoreline Zoning

Representation of Official Zoning Map Adopted By City Ordinance No. 292.

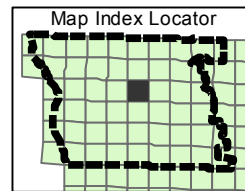
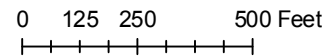
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