

RESOLUTION NO. 2138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DIRECTING THE GRANT OF A CONDITIONAL USE PERMIT TO TEXACO, INC., BEING PLANNING DEPARTMENT FILE NO. CUP-72-2(H), SUBJECT TO CERTAIN SPECIFIC CONDITIONS.

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

WHEREAS, Texaco, Inc., has made and filed proper application for a conditional use permit allowing the reconstruction and operation of an automobile gasoline station on real property hereinafter described, being located approximately at the corner of N.E. 38th Place and Lake Washington Boulevard, and

WHEREAS, pursuant to Chapter 23.56 of Ordinance No. 2183, the Kirkland Zoning Code, the Houghton Community Council following public hearing held on July 11, 1972, and the Kirkland Planning Commission following public hearing on July 13, 1972 and July 20, 1972, have both recommended approval of the request for conditional use permit, and

WHEREAS, on August 7, 1972, in regular meeting the Kirkland City Council did consider the application, the report and recommendation of the Planning Department and of the Planning Commission and the Houghton Community Council,

NOW, THEREFORE, the City Council does make the following findings:

1. The property of the applicant is located in a BC commercial zone, which under Section 23.18.030 of Ordinance No. 2183, the Kirkland Zoning ordinance, allows automobile gasoline service stations upon issuance of a conditional use permit. Said property is described in Appendix A of this resolution and by this reference incorporated herein.

2. Site and development plans for the proposed development as filed with the City and considered by the Planning Commission and Houghton Community Council were exhibited to the City Council at the time of its regular meeting. Said plans are by this reference incorporated within the findings of the City Council. Construction and size of all of the proposed development and improvements must conform to said plans.

3. The City Council finds that the proposal of applicant falls within the criteria for grant of conditional use permit as set forth in Chapter 23.56 and Chapter 23.46 of Ordinance No. 2183, provided that the following conditions are met and maintained as conditions thereof:

(a) Texaco, Inc., shall provide a minimum of ten trees to be integrated into the landscape plan. Placement of the trees is to be in accordance with the criteria in Chapter 23.40 of Ordinance No. 2183 (Landscaping, Screening and Fencing). Specimen types are to be determined jointly between the City Planning Department and Texaco, Inc., and it is recommended that the trees be either Honey Locust or Thundercloud Plum or combination thereof, ten to twelve feet in height, two gallon size, headed at six feet. The landscape plan shall be reviewed by not less than one member of the Houghton Community Council prior to the issuance of a building permit.

(b) The continuation of the sidewalk system on NE 38th Place shall be concrete in lieu of asphalt and concrete as shown on the revised site plan.

(c) Questions concerning the right of way survey shall be resolved prior to the issuance of a building permit. The City shall determine whether NE 38th Place has been dedicated as a 30 foot or a 60 foot right of way, and shall assist in the correction of any city or county records then found to be in error.

(d) All off-street parking shall be located to the rear of the property away from Lake Washington Boulevard.

(e) Not more than one major identification sign shall be allowed, and said sign shall not exceed 16 feet in height. All other signs shall comply with Section 23.46.140 of Ordinance No. 2183.

(f) A large planter shall be installed on the southwest corner of the property, having a diameter of not less than 20 feet as shown on the site plan.

(g) A planter at the intersection of NE 38th Place and Lake Washington Boulevard shall be expanded so as to eliminate the possibility of cars parking on the corner and to connect the nearest driveway cuts on NE 38th Place and on Lake Washington Boulevard.

(h) A five foot wide planter not less than 26 feet long shall be installed adjacent to the right of way west of the gasoline pump islands.

(i) It is the intent and desire of both the applicant and the City to create as attractive an entrance to the City as possible; minor adjustments in the foregoing conditions may be made by the Planning Department to conform the guidelines established or set in this resolution to ordinance or code specifications where necessary.

(j) The conditional use permit shall be further conditioned upon continuing conformance of the site, its development and use to the site map submitted to the City on July 20, 1972, entitled "General Arrangement, NE 38th Place and Lake Washington Boulevard, Kirkland, Washington". Said site map is identified in the file of the Planning Department and shall be a permanent condition of the development.

Based upon the foregoing findings, the Council makes the following order:


1. The conditional use permit applied for by Texaco, Inc., being Conditional Use Permit No. CUP-72-2(H) shall issue subject to the conditions set forth or included by reference in the foregoing findings. The property subject to said permit is described in Appendix A attached hereto.

2. A certified copy of this resolution and order shall attach to and become a part of the conditional use permit or evidence thereof delivered to the permittee.

Passed in regular meeting of the Kirkland City Council on August 7, 1972.

Attest:


Mayor


Director of Administration and Finance
(Secretary of City Clerk)

APPENDIX A

Parcel A:

Beginning at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 20, Township 25 North, Range 5 EWM, thence south $0^{\circ}57'25''$ east 89.12 feet to the true point of beginning; thence continuing south $0^{\circ}57'25''$ east 61.60 feet to a point on the easterly margin of Lake Washington Boulevard; thence southerly along the said easterly margin 119.98 feet (measured along the arc of the curve); thence north $89^{\circ}02'55''$ east 107.59 feet; thence north $0^{\circ}45'02''$ west to a point on the southwesterly margin of N.E. 38th Place; thence northwesterly along said southwesterly margin 186.92 feet more or less to the true point of beginning; EXCEPT that portion thereof conveyed to the State of Washington for highway by deed recorded April 24, 1970, under Auditor's File No. 6643355, Records of King County, Situate in the City of Houghton, County of King, State of Washington.

Parcel B:

That portion of Section 20, Township 25 North, Range 5 EWM, described as follows:
Beginning at the northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 20, marked by an iron pipe set in the ground; thence south $0^{\circ}57'25''$ east 269.29 feet; thence north $89^{\circ}02'55''$ east 18.15 feet to the east line of Lake Washington Boulevard right of way, and the true point of beginning; thence north $89^{\circ}02'55''$ east 107.59 feet; thence south $0^{\circ}45'02''$ east 80 feet; thence south $89^{\circ}02'55''$ west 103.40 feet to the east line of said Lake Washington Boulevard right of way; thence northwesterly along said Lake Washington Boulevard right of way on a curve to the left of 985.37 feet radius, a distance of 80.12 feet more or less to the true point of beginning. Situate in the Town of Houghton, County of King, State of Washington.