

RESOLUTION NO. 2180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING ISSUANCE OF A CONDITIONAL USE PERMIT FOR HOME OCCUPATION TO BE CONDUCTED WITHIN AN RS-7.2 (SINGLE FAMILY RESIDENCE) DISTRICT AS APPLIED FOR BY PETER ALSTON, AND BEARING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-73-17(P).

WHEREAS, application has been filed by Peter Alston for a Conditional Use Permit authorizing the conduct of a home occupation (antique business) to be carried on within the structure located on the property of the applicant as legally described in said application, and

WHEREAS, the Department of Community Development has assigned for identification of said application its file number CUP-73-17(P), and

WHEREAS, the Kirkland Planning Commission did hold public hearing on said application on April 12, 1973, and thereafter did adopt certain findings, conclusions, conditions and recommendations approving the issuance of the Conditional Use Permit,

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

Section 1: The Conditional Use Permit applied for by Peter Alston, being Conditional Use Permit No. CUP-73-17(P), shall issue subject to the conditions set forth in the findings, conclusions and recommendations of the Kirkland Planning Commission as signed by the chairman thereof and filed in said file, which findings, conclusions, recommendations and conditions are by this reference adopted by the Kirkland City Council as though fully set forth herein.

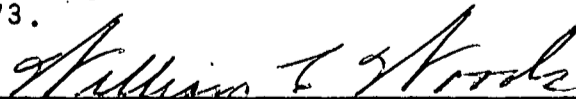
Section 2: A certified copy of this resolution shall attach to and become a part of the Conditional Use Permit or evidence thereof delivered to the permittee.

Section 3: Failure on the part of the holder of the Conditional Use Permit to initially meet or to maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance 2183, the Kirkland Zoning Code.


Section 4: Certified or conformed copies of this resolution shall be delivered to the following:

- A. The applicant
- B. The Kirkland Department of Community Development
- C. The Kirkland Building Official
- D. The Department of Public Services for the City of Kirkland
- E. The Department of Fire Services for the City of Kirkland
- F. The Police Department of the City of Kirkland

ADOPTED in regular meeting of the Kirkland City Council on the 7th day of May, 1973.

  
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Mayor

Attest:

  
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Director of Administration and Finance  
(ex officio City Clerk)

TRANSMITTAL REPORT

DATE: April 27, 1973      FILE NO. CUP-73-17(P)  
NAME: Peter Alston      HEARING BODY: City Council  
PROPERTY LOCATION: Corner of Market St. & 15th Ave. W.      HEARING DATE: May 7, 1973  
SUBJECT: Conditional Use Permit Application

BACKGROUND ANALYSIS:

At their last regular meeting of April 12, 1973, the Kirkland Planning Commission recommended that the applicant be granted a Conditional use Permit for a home occupation on this property.

Their specific recommendation for approval was conditioned upon the following:

1. That the exterior four feet of the property be landscaped as required by Section 23.34.100 of the Kirkland Zoning Ordinance.
2. That all lighting be directed away from neighborhood areas.
3. That signing shall not exceed the requirements of Section 23.32.030 of the zoning ordinance, and specifically that any individual sign shall not exceed two square feet in size.
4. That the total sales and display area not be allowed to be expanded beyond the square footage proposed under this application.
5. That at such time as the dwelling becomes the secondary use of this structure, this Conditional Use Permit shall become null and void.
6. That at such time as the dwelling or business is closed or vacated for a period of thirty days or more or the occupation is not carried on by a member of the family of the dwelling place, this Conditional Use Permit shall become null and void.
7. The approval of this Conditional Use Permit shall specifically prohibit any business at the site as a course of the home occupation.

This recommendation was made also to incorporate the specific findings and conclusions of the attached Amended Administrative Report dated April 5, 1973, and represents the specific recommendation of the Kirkland Planning Commission.

Report prepared by:

Attachments:

DEPARTMENT OF COMMUNITY DEVELOPMENT

- (1) Amended Admin. Report dated April 5, 1973.
- (2) Site Plan
- (3) Zoning Ordinance

*Kelly Spence*  
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City Planner

Mailing Address: Peter Alston  
163 Lake Wash. Blvd.  
Seattle, Wa.

AMENDED

ADMINISTRATIVE REPORT

as a result of Planning Commission action on April 12, 1973.

REPORT PREPARED: April 5, 1973 FILE NO.: CUP-73-17(P)  
NAME: Peter Alston HEARING BODY: Planning Commission  
PROPERTY LOCATION: Corner of Market St. HEARING DATE: April 12, 1973  
and 18th Ave. W.  
SUBJECT: Conditional Use Permit

BACKGROUND AND ANALYSIS:

The property under this application is located on the northwest corner of Market Street and 18th Ave. W. and is the existing site of a former church. Rather than asking for a rezone on this property which is presently zoned RS-7.2, the applicant wishes to try to conform to the requirements of a home occupation, which specifically states: "A home occupation is an occupation or profession which is customarily incidental or carried out in a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place."

The church at present has two stories and has a total area of 2,100 square feet. Of this total area, the applicants plan to live in 1,818 square feet of it and use the remaining area for sales and display of antiques. In essence, then, this would be a retail use in a single family zone under the requirements of a home occupation.

The total area on which this property is located is 12,565 square feet. Two parking spaces will be provided for the residents and one car space for each 200 square feet of commercial area, or a total of 9 parking spaces. Signing will conform to the existing zoning ordinance.

In essence, the applicants wish to utilize this property as both a residence and an antique store. They do not anticipate the operation of an antique business creating unusual traffic problems. They further feel that most persons purchasing antiques will do so by appointment, with very little walk-in traffic. All signing will conform to the requirements of the zoning ordinance, Section 23.32.040.

FINDINGS:

1. In terms of floor area, the primary use would be the residence. Specifically of a total of 3,600 square feet including both floors, 1,818 would be used for residential purposes, 815 square feet for display area, 505 square feet for a shop and storage area, and an unusable area of 462 square feet.

2. Two parking stalls are required for a single family home and one parking stall per 400 square feet of retail area is required. By these requirements, six parking stalls would be required. However, nine are proposed.
3. Where parking is proposed in the required yards, as on this site, the front 4 feet of the property must be landscaped. No landscaping is shown on the site plan.
4. All exterior lighting shall be hooded or shaded so that direct light of high intensity lamps will be reflected away from the residential use. The applicants are proposing their lighting be done to enhance the building and not to detract or interfere with traffic or neighborhood.
5. The existing building is a former church which may not be desirable strictly for a home.
6. Subject property lies on a busy arterial.
7. Subject plan is in the comprehensive plan as Single Family, thereby reducing the probability of a rezone being granted on the site.
8. Section 23.08.030(7) of the Kirkland Zoning Ordinance requires a home occupation apply for and be granted a Conditional Use permit prior to locating. Said application is hereby applied for.
9. This site is a unique piece of property and any action to approve the home occupation as requested should not be considered as a precedent by the Planning Commission for future actions on Market Street.

CONCLUSION:

Based on the findings under this report, it seems apparent that this application could meet the conditions of a home occupation if the following are conformed to:

1. The occupation or profession is incidental to the primary use, being the single family dwelling place.
2. The occupation is carried on by a member of the family residing within the dwelling place.

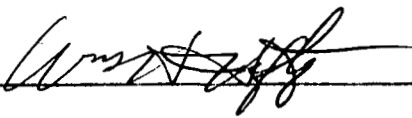
There is no specific mention in the zoning ordinance whether retail and display areas can be allowed under a home occupation. Inasmuch as the property under this application is adjacent to a busy arterial, has an existing building on it which could be used for minor retail purposes, and has an existing graveled parking lot, this application could meet the requirements of a home occupation.

RECOMMENDATION:

1. Grant a Conditional Use Permit as applied for. If this option is taken, we recommend that the home occupation be granted subject to the exterior 4 feet of the property being landscaped as required by 23.34.100 of the Kirkland Zoning Ordinance, that all lighting be directed away from neighborhood areas, that signing shall not exceed the requirements of Section 23.32.030 of the Zoning Ordinance and specifically that any individual sign shall not exceed 2 square feet in size, and that the total sales and display area not be allowed to be expanded beyond the square footage proposed under this application. Further, that at such time as the dwelling becomes the secondary use of this structure, this Conditional Use Permit become null and void.
2. That at such time as the dwelling or the business is closed or vacated for a period of 30 days or more or the occupation is not carried on by a member of the family of the dwelling place, this conditional use permit shall become null and void.
3. The approval of this conditional use permit shall specifically prohibit any auctions at this site as a course of the home occupation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission adopts, or adopts as modified, the findings, conclusion and recommendation as indicated earlier in this report.

  
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Chairman

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Director, Department of Community Development