

RESOLUTION NO. 2211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-73-37(P) BY KELLY MOORE PAINT COMPANY TO RELOCATE AN EXISTING FREE STANDING SIGN

WHEREAS, the Kirkland Department of Community Development has received an application for Conditional Use Permit filed by Kelly Moore Paint Company, owner of the property described in said application and located within a L I zone, seeking to relocate an existing free-standing, non-conforming sign approximately ten feet to the south, of the State Highway right-of-way on N.E. 85th Street, and

WHEREAS, the application has been assigned for identification File No. CUP-73-37(P) and submitted to the Kirkland Planning Commission, who held public hearing thereon September 13, 1973, and

WHEREAS, the Kirkland Planning Commission, after public hearing and consideration of the recommendations of the Department of Community Development, did adopt certain findings, conclusions, conditions and recommendations approving 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 the above named applicant, being Conditional Use Permit No. CUP-73-37(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. Provided, however, nothing in this resolution or the Conditional Use Permit issued hereunder shall be taken or considered to validate or approve any violation of Chapter 23.32 of Ordinance 2183 (Signs), or the violation of any other City of Kirkland ordinance, nor to change the status of any sign or structure in regard to its non-conformance.

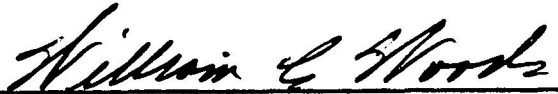
Section 2. A certified copy of this resolution, together with the findings, conclusions, recommendations and conditions herein adopted, shall attach to and become a part of the Conditional Use Permit, or evidence thereof delivered to the permittee.

Section 3. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Code.

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


- (a) Applicant
- (b) The 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 5th day of November, 1973.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Resolution No. 2211

Mailing Address: Kelly Moore Paint Co.
11250 Kirkland Way
Kirkland, Wa. 98033

AMENDED 9/14/73

ADMINISTRATIVE REPORT:

REPORT PREPARED: September 7, 1973 FILE NO.: CUP-73-37 (2)

NAME: Kelly Moore Paint Co. HEARING BODY: Planning Comm.

PROPERTY LOCATION: 11250 Kirkland Way HEARING DATE: Sept. 13, 1973

SUBJECT: CONDITIONAL USE PERMIT FOR THE RELOCATION OF A
FREE STANDING SIGN

BACKGROUND ANALYSIS:

Kelly Moore Paint Co. has applied for a Conditional Use Permit in order to relocate a free standing sign which presently encroaches on the SR 900 (Central Way) right-of-way. The Conditional Use Permit application is to move the sign out of the right-of-way by moving it approximately ten feet to the south.

FINDINGS:

1. The environmental impact of the proposed action has been considered and the Responsible Official has reached a negative declaration.
2. There is no modification proposed to the existing sign in size, shape or height.
3. The existing sign is 40 feet high and has three separate signs attached to the poles, with a total square footage of all signs of 320 square feet. (The larger sign has 224 square feet and each of the two smaller signs is 48 square feet.)
4. Section 23.32.100(5) requires that any changes in an existing sign shall require the same review and approval as a new sign.
5. The Kelly Moore Paint Co., at the present time, has the one free standing sign and three roof mounted signs mounted on the east, north and west sides, each of which appears to be approximately ten feet by twenty feet in area.
6. The standards for granting Conditional Use Permits for free standing signs are as follows: (23.32.100)
 - a. A permitted sign shall generally be attractive on all visible sides. There shall be no visible backside consisting of obvious visible braces and other structures that could materially affect other properties.
 - b. Each business development under one ownership shall have not more than one principal sign oriented to a single street. Existing business developments under one ownership, existing double signs, shall have not more than one principal sign oriented to a single street.

- c. A permitted sign shall be to scale in size and height with the building and the premises to which it is appurtenant.
 - d. A permitted sign shall demonstrate an integral relationship to the design of the building and the premises to which it is appurtenant, in its shape, its detail, its materials and its color.
7. Advertising sign height shall be limited to the actual height of the primary use structure. (23.32.040(1))

CONCLUSIONS

1. Even though there are three separate surfaces on the existing free standing sign, we would interpret this entire structure to be one sign.
2. Under the present regulations, Kelly Moore could have only two principal signs, one oriented toward Central Way and the other toward Kirkland Avenue. (This would be the free standing sign plus one additional.)
3. We offer the following comments from the standards for granting a Conditional Use Permit for a free standing sign:
 - a. There are no visible backsides or braces which could materially affect other property.
 - b. This is an existing business development which is revising their signs, and they do have more than one principal sign oriented to a single street. (There are two streets going by the property and there are four existing signs.)
 - c. The existing free standing sign is larger in scale in relation to its size and height with the building than prior Conditional Use Permits that have been granted for free standing signs. Due to the fact that the structure is located considerably below the grade of Central Way, and due to the fact that this is an existing sign, this could be considered consistent with past actions.
 - d. At this point, the Department of Community Development does not have the criteria necessary to determine if the existing free standing sign demonstrates an integral relationship with the design of the building and the premises to which it is appurtenant, in its shape, its detail, its materials, or its color. At this point, this would be a matter of personal taste as seen by the members of the Planning Commission.
4. The three advertising signs that presently are located on top of the structure do exceed the actual height of the primary use structure. In order to conform to the standards of the Zoning Ordinance, two of these signs must be removed and the third replaced in such a manner that it does not exceed the height of the primary structure to which it is attached.

RECOMMENDATIONS:

Based on the above Findings and Conclusions we hereby recommend this Conditional Use Permit application be granted strictly for the purpose of moving the sign and not for the purpose of making it a legal sign. In this case, the free standing sign would come under a five year amortization period at such time as this is initiated on non-conforming signs within the City of Kirkland. This is to say that the sign would remain non-conforming and that the Conditional Use Permit would strictly allow it to be relocated.



Chairman
KIRKLAND PLANNING COMMISSION



Director
DEPARTMENT OF COMMUNITY DEVELOPMENT

KS:bk

Attachment