

Resolution No. 2222

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-73-38(P) BY BRUCE M. BENTON, FOR CONSTRUCTION OF A SINGLE FAMILY RESIDENCE WITHIN WATERFRONT DISTRICT II.

WHEREAS, the Kirkland Department of Community Development has received an application for Conditional Use Permit filed by Bruce M. Benton, owner of the property described in said application and located within Waterfront District II, seeking to construct thereon a single family dwelling, and

WHEREAS, the application has been assigned for identification File No. CUP-73-38(P) and submitted to the Kirkland Planning Commission who held public hearing thereon on October 18, 1973, and

WHEREAS, the Kirkland Planning Commission did thereafter adopt certain Findings, Conclusions, 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-73-38(P) shall issue subject to the conditions set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission as amended on October 19, 1973, and signed by the Chairman thereof and filed in said file, which Findings, Conclusions and Recommendations 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 revokation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

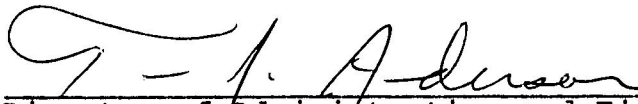
- (1) The applicant
- (2) The Kirkland Department of Community Development
- (3) The Kirkland Building Official
- (4) The Department of Public Services for the City of Kirkland
- (5) The Department of Fire Services for the City of Kirkland
- (6) The Police Department for the City of Kirkland

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. 2222

Mailing Address: Bruce Benton
1224 Market St.
Kirkland, Wa. 98033

AMENDED 10/19/73
ADMINISTRATIVE REPORT

DATE PREPARED: October 4, 1973 FILE NO.: CUP-73-38 (P)
NAME: BRUCE BENTON HEARING BODY: PLANNING COMMISSION
PROPERTY LOCATION: Approx. 400 block of HEARING DATE: October 11, 1973
Lake Avenue West
SUBJECT: CONDITIONAL USE PERMIT APPLICATION

BACKGROUND ANALYSIS:

The applicant is applying for a Conditional Use Permit to locate a single family home within Waterfront District II. The purpose of Waterfront District II is basically to allow single family homes and accessory structures upon the granting of a Conditional Use Permit.

FINDINGS:

Basic development standards for Waterfront District II are as follows:

1. No overwater construction except for moorages and other elements consistent with public enjoyment of the waterfront are allowed.
2. No landfill in submerged land areas are allowed except in the public interest.
3. Provision for a pedestrian way along public rights-of-ways are encouraged.
4. No commercial or industrial uses are permitted.
5. All waterfront developments must be evaluated in terms of how much visual access to the water is provided for the enjoyment of the public.
6. Waterfront District II is basically for the use of single family homes.
7. Two off-street parking spaces must be provided per dwelling unit.
8. The lot area must be larger than 12,500 square feet or be a legal building site as defined by the Kirkland Zoning Ordinance.
9. The building cannot exceed a height of 25 feet.
10. The north setback must be equal to the height of the building as measured 5 feet into the north property line.
11. The waterfront setback must be 15% of the average parcel depth, 33 feet.
12. The south setback must be 5 feet.
13. The setback adjacent to a right-of-way must be 20 feet.

4. The building will be built in line with the westerly edge of existing structures.
15. The applicant has submitted an environmental assessment and based on that and other relevant data, the responsible official has reached a negative declaration for the necessity of the preparation of a full environmental impact statement.

CONCLUSIONS:

The following conclusions relate directly to the above Findings:

1. The applicant is proposing no overwater construction.
2. The applicant is proposing no landfill.
3. The eastern portion of this property is adjacent to Waverly Way. This area has been designated in the Kirkland Parks Plan as a potential viewpoint and pedestrian walkway area.
4. No commercial or industrial uses are proposed.
5. The subject property lies well below Waverly Way and will not in any way effect the public's visual access to the water. Access to the proposed home will be over a private road.
6. The proposed single family home does fit within the uses allowed within this zone by the issuance of a Conditional Use Permit.
7. Adequate off-street parking will be provided for two cars.
8. The total dryland lot area is 13,200 square feet and larger than necessary. It has also been determined by the Department of Community Development that this is a pre-existing legal lot.
9. The building height will not exceed 25 feet.
10. The north setback of the building from the point which will cause the shading effect is 21 feet, as measured 5 feet into the property to the north. The height of the structure at that point is 20'4" and therefore does fall within the north setback requirements of the Waterfront Districts Zoning Ordinance. The actual setback from the house to the north property line will be 9 feet.
11. The waterfront setback area proposed is 57 feet, well in excess of the 33 foot requirement.
12. The south setback requirement is 5 feet. A 6 foot setback is proposed here.
13. The setback from the right-of-way on Waverly Way is somewhat over 100 feet. A 20 foot setback is required.
14. The building will be constructed in line with the western edge of the existing structures, therefore not creating any view obstruction to adjacent properties.

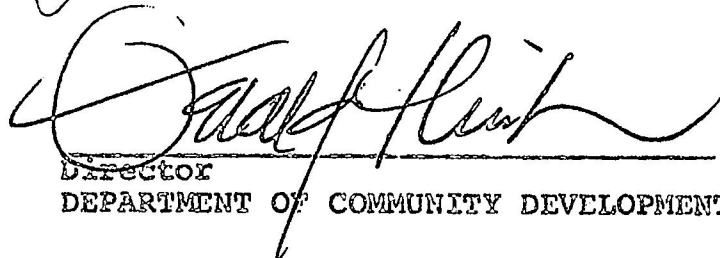
Since a responsible official did reach a negative declaration on environmental effects, no environmental impact statement will be required.

RECOMMENDATIONS:

Based on the above Findings and Conclusions, we hereby recommend approval of this Conditional Use Permit for the location of a single family home within Waterfront District II as requested.



CHAIRMAN
KIRKLAND PLANNING COMMISSION



DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

GFL:KS:bk

Attachments: (5)