

RESOLUTION NO. 2236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-74-4, BY A. TSANTILAS FOR THE INSTALLATION OF A FREE STANDING SIGN ON THE NORTHEAST CORNER OF CENTRAL WAY AND 5TH STREET IN A CENTRAL BUSINESS DISTRICT ZONE.

WHEREAS, the Kirkland Department of Community Development has received an application for a Conditional Use Permit filed by A. Tsantilas, owner of the property described in said application and located within the Central Business District for the installation of a free standing sign, and

WHEREAS, the application has been assigned for identification file number CUP-74-4 and submitted to the Kirkland Planning Commission for their consideration and recommendation, and

WHEREAS, the Kirkland Planning Commission held public hearing thereon at their regular meeting of February 14, 1974, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy and the State Environmental Policy Act, an environmental worksheet has been submitted to the City, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration has been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission, after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration, did adopt certain findings, conclusions and recommendations, and did recommend approval of the Conditional Use Permit subject to the specific conditions set forth in said recommendations.

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

Section 1: The Conditional Use Permit is hereby given approval 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 the Department of Community Development File No. CUP-74-4, 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, together with the Findings, Conclusions and Recommendations herein adopted shall attach to and become a part of the Conditional Use Permit approval, or evidence thereof delivered to the permittee.

Section 3: Nothing in this resolution and permit shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than as expressly set forth herein.

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


- (a) Applicant
- (b) Department of Community Development
- (c) The Kirkland Building Department
- (d) Department of Public Services for the City of Kirkland
- (e) Department of Fire Services for the City of Kirkland
- (f) Police Department for the City of Kirkland
- (g) The Office of Director of Administration and Finance
(ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the Kirkland City Council on the 19th day of February, 1974.



Mayor

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

Resolution No. 2236



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
 RECOMMENDED BY _____ DATE February 14, 1974
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
 PLANNING COMMISSION _____
CITY COUNCIL AS INCORPORATED IN _____
RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

John F. Cushing
John Cushing, Chairman

FILE NUMBER CUP-74-4
APPLICANT A. Tsantilas
PROPERTY LOCATION 500 Central Way
SUBJECT Conditional Use Permit Application for a free standing sign for the Athens Pizza and Spaghetti House.
HEARING/MEETING DATE February 19, 1974
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Environmental Info. Worksheet, (2) Site Plan

BACKGROUND:

Approximately four months ago, Arctic Circle, Inc. vacated the structure proposed to be used by the applicant. The former Arctic Circle business had a free standing sign which was approximately 31 feet high with an area of approximately 110 square feet. (The area was difficult to calculate due to the oddity of its shape.)

The applicant, on approximately January 21, 1974, came to the City and asked if they could replace the existing sign with a smaller free standing sign. He was informed by our Department that he would need to apply for a Conditional Use Permit application in order to replace the sign.

At the present time it is the Department of Community Development's interpretation that signs that are not non-conforming and are not increased in sign area or height when modified, need not apply for and receive a Conditional Use Permit first under the following conditions:

1. It must be an existing sign which is not a non-conforming sign.
2. The size and total height of the sign must remain the same or be decreased, preferably decreased.
3. If a sign is a large element in the City of Kirkland, the Department of Community Development has the option of taking the sign permit application before the Planning Commission under a Conditional Use Permit application.

The Department of Community Development felt that this particular sign was a large element and therefore a Conditional Use Permit application was required.

The proposed sign has a total height of 26 feet and a total area of approximately 66 square feet, of which the rectangular area contains 54 square feet and the 4 foot diameter ball on top contains approximately 12 feet.

FINDINGS:

1. The environmental impact of the proposed action has been considered and the responsible official has reached a negative declaration.
2. The standards for granting conditional use permits for free standing signs are as follows: (Section 23.32.100 of the Kirkland Zoning Ordinance):
 - a. A permitted sign shall generally be attractive from all visible sides.
 - b. Each business under one ownership shall not have 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, detail, materials and color.
3. Past conditional use permits granted for free standing signs have limited the height of signs to 17 feet. They have also limited the area to $31\frac{1}{2}$ square feet (4'6" x 7'). Changes in an existing sign shall require the same review and approval as a new sign.

CONCLUSIONS:

1. Since a negative declaration has been reached on the environmental impact of the sign, a full environmental impact statement will not be required.
2. A review of the proposed sign, in terms of the criteria mentioned in the Findings, the following are relevant:
 - a. The proposed sign will be neon with two faces that will have no backside consisting of visible braces. The circular portion of the sign will have 10" red letters with a yellow plastic background. The rectangular portion of the sign will have a red painted plastic background and frame with yellow and white letters.
 - b. The sign is oriented toward one principal street and does conform to this criteria.
 - c. The proposed sign exceeds the size criteria established by the City on previous free standing signs for commercial structures of a similar size. (Approximately 66 square feet as opposed to $31\frac{1}{2}$ square feet). It also exceeds the height criteria of former applications. (26 feet as opposed to 17 feet).
 - d. There will be some similarity between the proposed sign in its materials and colors.
 - e. This is a change to an existing sign in that it is a complete replacement of one sign with a new one.
3. The fact that all free standing signs granted under the new zoning ordinance, No. 2183, have not been allowed to be higher than 17 feet nor larger than $31\frac{1}{2}$ square feet in area is a relatively accurate statement of the City's intent for the regulation of the height and size of free standing signs for single level commercial structures of the size in this application. Because of this, it would appear to be inconsistent to allow a sign of larger magnitude than this even though it is replacing an older sign with a newer one.

RECOMMENDATIONS:

We hereby recommend approval of this conditional use permit application to locate a sign subject to the following conditions:

1. The sign is to be placed in the same location as the free standing sign that was formerly on the property.
2. The height of the sign shall be limited to a maximum height of 17 feet.
3. The maximum area of the total sign shall not exceed 31½ square feet.
4. The colors of the sign shall be such that it will cause a soft lighting effect with a minimal amount of glare.