

RESOLUTION NO. 2248

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-74-7(P) BY BETTE JO ROBY AND SHAREN L. SATTERWHITE FOR THE LOCATION OF A DAY CARE CENTER FOR CHILDREN AGES TWO AND ONE-HALF TO FIVE YEARS TO BE LOCATED IN A FORMER CHURCH.

WHEREAS, Section 23.08.030(5) of Ordinance No. 2183, the Kirkland Zoning Ordinance, does require that a Conditional Use Permit be issued prior to the location of a nursery school in an RS (Single Family) zone, and

WHEREAS, the Kirkland Department of Community Development has received an application for a Conditional Use Permit filed by Bette Roby and Sharen Satterwhite, owners of the real property described in said application and located within an RS zone, for the location of a day care center, and

WHEREAS, the application has been assigned for identification File No. CUP-74-7(P) and submitted to the Kirkland Planning Commission, who held public hearing thereon on April 11, 1974, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 dealing with environmental policy and the State Environmental Policy Act, an environmental assessment has been submitted to the City, reviewed by the Responsible Official of the City of Kirkland, and a Negative Declaration reached, and

WHEREAS, the Kirkland Planning Commission, after public hearing and consideration of the recommendations of the Department of Community Development, and having available to it the environmental assessment and negative declaration, to 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 applicants, being Conditional Use Permit No. CUP-74-7(P), shall issue, subject to the conditions set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission dated April 11, 1974, as 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. All recommendations of said report shall be considered conditions of approval upon the issuance of this Conditional Use Permit.

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, 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 Ordinance.

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

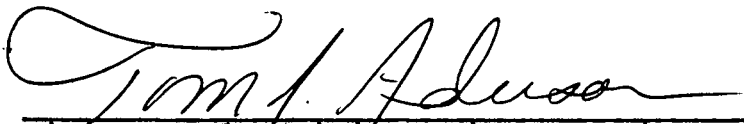
- (a) Applicant
- (b) Department of Community Development of City of Kirkland
- (c) Building Official of the City of Kirkland
- (d) Department of Public Services for the City of Kirkland
- (e) Department of Fire Services for the City of Kirkland
- (f) Police Department of the City of Kirkland.

ADOPTED in regular meeting of the Kirkland City Council on the 6th day of May, 1974.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

Resolution No. 2248



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE April 11, 1974
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

X PLANNING COMMISSION _____
Vice-Chairman *John P. ...*

CITY COUNCIL AS INCORPORATED IN _____

X RESOLUTION _____ ORDINANCE _____

NUMBER 2248

DATE _____

FILE NUMBER CUP-74-7(P)

APPLICANT Sharen Satterwhite and Bette Roby

PROPERTY LOCATION 1811 Market St.,

SUBJECT Conditional Use Permit to allow location of a licensed day care center.

HEARING/MEETING DATE May 6, 1974

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Application (2) Letter of 3/21/74 (3) Environmental Assessment Worksheet (4) Site Plan (5) Elevations (6) Floor Plan

FINDINGS:

1. This is an application for a Conditional Use Permit to locate a day care center in a former church located in an RS-7.2 (single family) zone in conjunction with Section 23.08.030(5) of the Kirkland Zoning Ordinance. Some of the items relevant to the application are:
 - a. The facility will handle children from ages 2½ to 5.
 - b. There will be a maximum of 50 children taken care of at any one time.
 - c. The hours of operation will be 7:00 A.M. to 6:00 P.M. Monday through Friday and will be closed on weekends and holidays.
 - d. Only the main floor will be used for the day care center. The access to the upper portion of the structure will be secured and that area will be used for storage only.
2. Section 23.08.030(5) of the Kirkland Zoning Ordinance allows nursery schools in an RS zone when located on the same site with public or private schools or churches.
3. The total area of the main floor of the proposed facility is 2,100 square feet. The structure does have kitchen and bathroom facilities.
4. The structure will have to meet local building and fire department requirements as well as state requirements for day care nurseries.
5. The applicant has proposed 10 on-site parking spaces with a one-way circular drive.
6. The applicants are proposing to use the existing sign which is approximately 18 square feet in size and face mounted on the building.
7. The applicants are proposing to paint the structure.
8. The applicants have mentioned that shrubs will be planted to enhance the appearance of the buildings and grounds.
9. The applicants have proposed to fence the entire area between the right-of-way and the building on the south portion of the building, for playground purposes.
10. Any exterior lighting schemes should be shielded away from adjacent residential areas.

11. The proposed use should satisfy the standards for granting a Conditional Use Permit as defined in Section 23.56.080 of the Kirkland Zoning Ordinance.
12. A condition of approval of this application should relate to the voiding of the Conditional Use Permit if the use of the structure as a day care center ceases for a specific period of time.

CONCLUSIONS:

1. Nursery schools are allowed in an RS-7.2 zone if a conditional use permit is applied for and approved by the Kirkland Planning Commission and City Council.
2. Nursery schools are allowed as a Conditional Use in an RS zone when they are located on the same site with public or private schools or churches. The premises for which this pre-school is proposed is a former church. This would seem to qualify under the criteria of Section 23.08.030(5) of the Kirkland Zoning Ordinance.
3. The total area of the main floor of the proposed structure appears to be adequate area-wise.
4. The applicants have indicated that they will comply with local fire and building codes as well as state regulations.
5. Ten parking spaces as proposed should be adequate to service this use. The applicants should be required to submit a drawing showing the parking layout to City specifications and all parking spaces and driveways should be asphalted in conformance with Section 23.34.040(4) of the Kirkland Zoning Ordinance.
6. The sign should meet the requirements of Section 23.32.030 of the Kirkland Zoning Ordinance. Specifically, a sign could not exceed the size of 10 square feet.
7. If the structure is to be painted, it should be painted with a low profile color scheme to avoid it becoming a gaudy feature on a newly improved arterial street.
8. Where parking is proposed in a required yard, the exterior four feet of the property should be landscaped as required by Section 23.34.100 of the Kirkland Zoning Ordinance.
9. The proposed fencing for the playground cannot come closer than 5 feet to the right-of-way line as stated in Section 23.40.100 of the Kirkland Zoning Ordinance.
10. Exterior artificial lighting must be hooded or shaded so that direct light of high intensity lamps will be reflected away from a residential use as required by Section 23.36.090 of the Kirkland Zoning Ordinance.

11. The proposed nursery school appears to meet the standards for granting Conditional Use Permits of Section 23.56.080 of the Kirkland Zoning Ordinance. Specifically; (1) the use appears to be within the intent of the Zoning Ordinance and in the public interest; (2) the use will not do damage to adjacent residential properties by decreasing property values, creating excessive noises or creating other nuisances; (3) the use requested is not for the continuation or enlargement of a non-conforming use.
12. This Conditional Use Permit should automatically become void if the use granted by this Conditional Use Permit ceases for any 30 day period.

RECOMMENDATIONS:

Based upon the above Findings and Conclusions we hereby recommend approval of this Conditional Use Permit application to locate a day care center at the former Kingdom Hall of the Jehovah's Witness located at 1811 Market Street in an RS-7.2 zone subject to the following conditions:

1. The facility shall only be allowed to operate from the hours of 7:00 A.M. to 6:00 P.M. on weekdays. The facility will not be allowed to be open on weekends and holidays.
2. Prior to issuance of an occupancy permit on the structure, the structure shall comply with all local building and fire department regulations and state requirements.
3. Ten parking spaces shall be required. Prior to issuance of an occupancy permit the applicants shall submit a site plan in conformance with Section 23.34.040(4) of the Kirkland Zoning Ordinance. Within one year of the date of the issuance of the occupancy permit all driveway areas and parking areas are to be paved to City specifications.
4. The surface of the sign shall not exceed 10 square feet.
5. The exterior colors on the structure shall be of a low profile character to avoid a gaudy appearance adjacent to the newly constructed Market Street.
6. Prior to the issuance of an occupancy permit, the front four feet of the property adjacent to 18th Ave. W. shall be landscaped in accordance with Section 23.34.100 of the Kirkland Zoning Ordinance.
7. The proposed fence adjacent to the right-of-way enclosing the playground shall not be located closer than 5 feet to the right-of-way.

8. Exterior lighting shall be hooded or shaded so that direct light will be reflected away from a residential use.
9. If this use ceases to exist for any reason for a period greater than 30 days this Conditional Use Permit shall become null and void and a new Conditional Use Permit application must be applied for prior to the use relocating.
10. Prior to the issuance of an occupancy permit, the Kirkland Planning Commission shall review and approve a general landscaping plan for the site for those areas as required by the Zoning Ordinance.