

## RESOLUTION NO. R 2276

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-74-26(P), BY TUBE ART DISPLAYS FOR THE INSTALLATION OF A FREE STANDING SIGN FOR THE PROPOSED SITE OF A McDONALD'S RESTAURANT LOCATED ON 116th AVENUE N.E. NEAR N.E. 124th STREET IN A NEIGHBORHOOD BUSINESS ZONE.

WHEREAS, the Kirkland Department of Community Development has received an application for a Conditional Use Permit filed by Tube Art Displays, at the request of the owner of the property described in said application and located within the Neighborhood Business Zone for installation of a free standing sign, and

WHEREAS, the application has been assigned for identification File No. CUP-74-26(P) 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 October 10, 1974, and October 24, 1974, and

WHEREAS, pursuant to 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 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, and

WHEREAS, the Kirkland City Council did on its own motion set the matter for public hearing before itself on November 18th, 1974 and following said hearing did make certain amendments to the conditions of the permit by amending the 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 Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in Department of Community Development File No. CUP 74-26(P), which Findings, Conclusions and Recommendations are by this reference adopted by the Kirkland City Council as though fully set forth herein, provided however, the conditions set forth in Recommendations A and D are amended to read as follows:

"A. Its (the free standing sign) location is modified so its primary orientation shall be to either 116th Avenue N.E., or I-405."

"D. The existing face mounted sign permit shall not be void, but may be used for the face mounting of one sign which shall be oriented to the street to which the free standing sign is not oriented."

Section 2: A certified copy of this resolution, together with the amended Findings, Conclusions and Recommendations herein adopted shall attach to and become a part of the Conditional Use Permit's approval, or evidence thereof delivered to the permittee.

Section 3: Nothing in this resolution 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 expressly set forth herein.

Section 4: The Conditional Use Permit applied for by Tube Art Displays shall issue, subject to the performance standards and conditions of approval set forth herein above and included by reference in the foregoing Findings. Failure on the part of the holder of a Conditional Use Permit to initially meet or maintain strict compliance with said standards and conditions shall be grounds for evocation in accordance with Section 23.56.110 of Ordinance 2183.

Section 5: Certified or conformed copies of this Resolution shall be delivered to the following:


- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland

- (f) Public Service Department of the City of Kirkland
- (g) Office of the Director of Administration and Finance  
(ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the  
18th day of November, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

FINDINGS:

1. This Conditional Use Permit is for an application to erect a free standing sign for the proposed site of a McDonald's Restaurant located on 116th Ave. N.E. near N.E. 124th Street, and across from the Totem Lake Shopping Mall.
2. The proposed sign location is in the southeast corner of the said property which is shown on the site plan, and will be directly adjacent to the existing Exxon Service Station.
3. The proposed sign is to be 35 feet above grade, and approximately 80 square feet in surface area. (Sign area is defined in the Kirkland Zoning Ordinance as the aggregate area of all faces of a sign expressed in square feet and a fraction thereof, measured from the outside perimeter and including all the area of that geometric form enclosed by the outside perimeter.)
4. The width of the proposed building which faces 116th Ave. N.E. is 44 feet which would allow a maximum 88 square foot face mounted sign. (Section 23.32.030)
5. Presently, the McDonald's Restaurant has been granted a sign permit for one principal sign, face mounted on the west side of the proposed structure adjacent to 116th Ave. N.E., which is to be 2 feet by 18 feet. Two smaller entrance signs and 3 logos were also included in this permit. The standards for granting the Conditional Use Permit for a free standing sign 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 premises to which it is appurtenant.
  - d. A permitted sign shall demonstrate an integral relationship to the design of the building and premises to which it is appurtenant in its shape, detail, material and color.
6. The sign itself will have similar color and identity to the building, while its design is a nationally recognized trademark of McDonald's Restaurants.
7. The said property is located in a BH zone (neighborhood business), the zoning of which does not lend itself to freeway orientation, but rather is intended to provide local facilities to serve the everyday needs of the neighborhood area. There is no well defined neighborhood adjacent to said property and the property's present zoning is equivalent to the previous zoning in King County before the Totem Lake Annexation of which this was a part.

10/24/74  
9/30/74

Findings (cont'd)

8. The property is also located in a Freeway Interchange District (FID) and at the present time there are no well defined purposes for this area. However, it would appear that the freeway orientation might be one consideration on a free standing sign located in the FID.
9. With the location of a sign in the southeast corner of the property, approximately 75 feet from Interstate Highway 405 right-of-way, it appears that the sign is oriented primarily to the freeway rather than to the adjacent street, 116th Ave. N.E.. Assuming that the property would be at the same grade as the existing elevation of the Exxon Station, the height of the sign in relation to the main freeway lanes of Interstate Highway 405 would be approximately 35 feet above the nearest primary driving lane.
10. Past Conditional Use Permits granting free standing signs have limited the height of a sign to 17 feet. They have also limited the area to 31.5 square feet (4 feet 6 inches by 7 feet).
11. With whatever action the Planning Commission takes, it will provide the Staff and future applications with a precedence for free standing signs.

CONCLUSIONS:

1. The proposed sign will be approximately 18 feet higher than the limit of previously approved free-standing signs. Also, this sign would be approximately 50 square feet larger than the area limitations of previously approved free-standing signs.
2. With the approval of this free standing sign application, the McDonald's Restaurant would then have been granted two principal signs, one face mounted and one free standing. This would be inconsistent with Section 23.32.100 of the Kirkland Zoning Ordinance which allows only one principal sign oriented to a single street. Since the two entrance signs and 3 logos are smaller than 10 square feet in area or less than 6 feet in height, they should not be defined as a principal sign. If the free-standing sign is granted, the existing sign permit for a face mounted sign should be made null and void.
3. Based on the fact that the Kirkland Zoning Ordinance would allow a face mounted sign on the structure 2 square feet in size for each horizontal foot for the face of the building (88 square feet), a possible criteria for reviewing free standing sign applications might be that no free standing sign should be permitted which is larger in area than the maximum allowable size of a face mounted sign within Freeway Interchange Districts.

10/24/74  
9/30/74

R-2276



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX ADOPTED BY \_\_\_\_\_ DATE November 18, 1974

STAFF \_\_\_\_\_  
BOARD OF ADJUSTMENT \_\_\_\_\_  
HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
PLANNING COMMISSION \_\_\_\_\_

XX CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
X RESOLUTION \_\_\_\_\_ ORDINANCE  
NUMBER R-2276  
DATE November 18, 1974

FILE NUMBER CUP-74-26(P)  
APPLICANT McDonald's (Tube Art Display)

PROPERTY LOCATION Approx. 116th Ave. NE & NE 124th St.  
Applic. for a Conditional Use Permit to locate a free standing sign (McDonald's Golden Arches)

SUBJECT \_\_\_\_\_  
HEARING/MEETING DATE November 18, 1974  
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Environmental Info. Worksheet & Declaration  
(2) Vicinity Map (3) Site Plan (4) Sign Plan



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE October 24, 1974  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
BOARD OF ADJUSTMENT \_\_\_\_\_  
HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
XX PLANNING COMMISSION \_\_\_\_\_  
CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
X RESOLUTION \_\_\_\_\_ ORDINANCE  
NUMBER R- \_\_\_\_\_  
DATE November 4, 1974

*John F. Chabry*  
Chairman

FILE NUMBER CUP-74-26(P)  
APPLICANT McDonald's (Tube-Art Display)

PROPERTY LOCATION Approx. 116th Ave. N.E. & N.E. 124th St.  
Application for a Conditional Use Permit to locate a free standing sign (McDonald's Golden Arches)

SUBJECT \_\_\_\_\_  
HEARING/MEETING DATE November 4, 1974  
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Environmental Info. Worksheet & Declaration  
(2) Vicinity Map (3) Site Plan (4) Sign Plan

CITY OF KIRKLAND  
ENVIRONMENTAL INFORMATION WORKSHEET

This questionnaire must be completed by all applicants applying for a permit from the City of Kirkland unless it is determined by the Responsible Official that an environmental assessment or environmental impact statement is required, in which case other forms will be required. Individual single family homes and related applications need only complete this form.

(To be completed by all applicants)

1. Name of applicant: <u>Mc DONALD'S REST</u>	5. Project name, if applicable: <u>Mc DONALD'S REST</u>
2. ADDRESS, phone no. of applicant: <u>SOUTH CENTER 246-7000</u>	7. Location of project or activity: <u>12414-116TH N.E.</u>
3. Type of activity (new construction, renovation, demolition, etc.): <u>NEW CONSTRUCTION</u>	8. Estimated cost of activity: <u>12000</u>
4. Date of application: <u>8-15-74</u>	9. Type of permit applied for: <u>SIGN</u>
5. Estimated duration of activity: <u>30 DAYS</u>	10. Type of use proposed (home, office, industrial building, etc.): <u>REST</u>

The information in this worksheet will be used by the Building Official in making a determination on whether or not an Environmental Impact Statement will be required prior to the granting of a permit for the proposed action.

All items should be answered as concisely as possible and sources listed where used. If information requested is not known, enter "NOT KNOWN". If information does not apply to the proposed action, enter "NA". Additional sheets may be attached if additional room is needed on any question.

1. Will construction occur within 50 feet of a water course? Yes  No   
Comments:

2. Is this development within a hazardous slope area 2 or 3 as shown on the official map as defined within Section 23.50.090 of the Kirkland Zoning Ordinance, or is the average slope of the land greater than 15%, or is the development subject to other procedural actions? Yes  No   
Comments:

3. Are there any severe soils limitations or geologic hazards evident? Yes  No   
Comments:

4. Is the action, any related activities or appurtenant devices expected not to conform with the performance standards of Section 23.35 of the Kirkland Zoning Ordinance? Yes  No   
Comments:

5. Will the project be inconsistent with any local, state or federal standards that you are aware of? Yes  No   
Comments:

6. Will there be any significant threats to the environment arising from flooding from a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year? Yes  No   
Comments:

7. Does the project site have any special natural values such as a marsh land, or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna? Yes  No   
Comments:

8. Does the project site contain elements having significant aesthetic, recreational, or historic value? Yes  No   
Comments:

9. Is the proposed action within the "Shorelines of the State" as defined in the Shoreline Management Act of 1971? Yes  No   
Comments:

2222

Conclusions (cont'd)

4. Pursuant to Section 23.32.100 of the Kirkland Zoning Ordinance, a review of the proposed sign is as follows:
  - a. The proposed sign will have 2 faces, and be constructed of plexiglass and aluminum. The sign will have no backside or exposed edges. The base will consist of log pilings.
  - b. The building has been granted one principal sign, face mounted on 116th Ave. N.E.. If this sign permit is approved the permit for the face mounted sign should also be valid. However, the face mounted sign shall be oriented to the street to which the free standing sign is not oriented.
  - 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 80 square feet as opposed to 31.5 square feet). It also exceeds the height criteria for former applications; (35 feet as opposed to 17 feet).
  - d. The sign will be generally consistent in color and design to other McDonald's free standing signs.
5. Consideration could be given to height of free standing signs within an F.I.D.. A potential criteria could be 10 feet above the surface of the nearest primary driving lane or 17 feet, whichever is higher.
6. Due to the fact that the property is located in a BN zone, a sign oriented to Interstate Highway 405 may not be consistent with the purpose of the zone (to serve the needs of the surrounding residential neighborhood), however, due to the said property's dual zoning (EN and FID) this allows the Planning Commission to judge this application with respect to its location and freeway orientation. The concept of dual zoning for this property also should be resolved under this application, with recommendations based upon its location in one of the two zones.
7. All free standing signs granted under the Kirkland Zoning Ordinance No. 2183 have not been allowed to be higher than 17 feet and no larger than 31.5 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.
8. It appears that the Planning Commission could set a precedent in one of two ways,
  - a. By basing its Findings, Conclusions and Recommendations on the location of the said property within the BN zone, or

Conclusions, cont'd

8. b. Basing its Findings, Conclusions and Recommendations on the location of the said property within the FID zone.

Either way, the Planning Commission would be making an interpretation of which purpose, either BN or the freeway orientation, is more applicable with this application. In a direct or indirect way this will also provide a precedent for the future signs within the entire community.

RECOMMENDATIONS:

- Based upon the foregoing Findings and Conclusions we hereby recommend approval of this Conditional Use Permit application for a free standing sign subject to the following recommendations:
- Based upon the location of said property within the BN zone and due to the defined purpose of that zone, a free standing sign should be approved provided:
- a. Its (the free standing sign) location is modified so its primary orientation shall be to either 116th Ave. NE or I-405.
  - b. The height of the sign shall be limited to a maximum height of 17 feet,
  - c. The area of the sign shall not exceed the size allowed for free standing signs under former application of 31 1/2 square feet, (area calculation not to include the free space under the arches), and
  - d. The existing face mounted sign permit shall not be void, but may be used for the face mounting of one sign which shall be oriented to the street to which the free standing sign is not oriented.





**KIRKLAND** CITY OF WASHINGTON 98023  
 210 MAIN STREET  
 (206) 822-9271

**CERTIFICATION BY APPLICANT:**

I hereby certify that the information furnished in this environmental information work-sheet is true and accurate to the best of my knowledge.

TURE, BRT DISCAY'S BILL SELDON 8-15-74  
 Signature and Title Date

Project Name: MCDONALD'S REST  
 Project Address: 12414-116TH NE

**ACTION BY RESPONSIBLE OFFICIALS:**

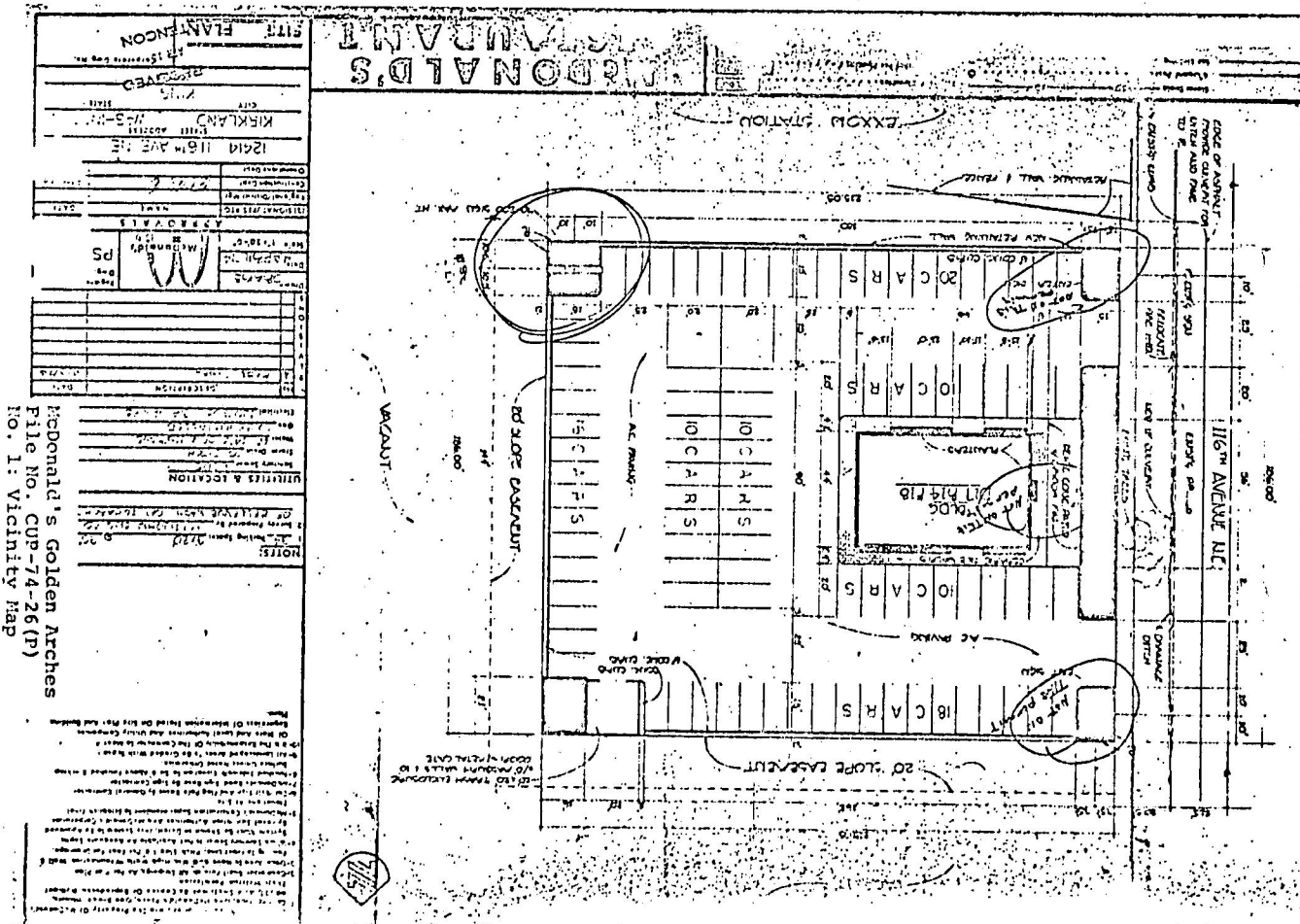
- 1. Date of Staff Review: Building by: [Signature] Check one (+) or (-)
- Planning by: [Signature] (+) or (-)
- Engineering by: [Signature] (+) or (-)
- Police by: [Signature] (+) or (-)
- Fire by: [Signature] (+) or (-)

**2. Staff review of (project description) determined that:**

- The project is exempt by definition.
- The project has no significant environmental impact and application should be processed without further consideration of environmental effects.
- The project has significant environmental impact and a complete environmental impact statement must be prepared prior to further action on request for permit.

Signature and Title of Responsible Official: [Signature] Date: 9/16/74  
 Applicant was notified of decision on: [Signature] by [Signature] Staff Person Date: 9/16/74  
 Date: [Signature] by [Signature] Letter, phone

In accordance with Washington State Environmental Policy Act and City of Kirkland Resolution No. 2181.



**McDonald's Golden Arches**  
 File No. CUP-74-26 (P)  
 No. 1: Vicinity Map

**NOTES:**

1. The project is proposed for the site shown on the vicinity map. The project is located on the east side of 116th Avenue NE, between 124th and 126th Avenues NE, in the City of Kirkland, Washington.

2. The project is a proposed drive-thru restaurant building with a drive-thru lane. The building is approximately 100 feet long and 40 feet wide. The drive-thru lane is approximately 20 feet wide and 100 feet long.

3. The project is proposed to be constructed on a 0.25-acre lot. The lot is bounded by 116th Avenue NE to the north, 124th Avenue NE to the east, and 126th Avenue NE to the south.

4. The project is proposed to be constructed on a lot that is currently vacant. The lot is located in the Golden Arches area of Kirkland, Washington.

5. The project is proposed to be constructed in accordance with the City of Kirkland's zoning regulations. The project is proposed to be constructed in the CUP-74-26 (P) zone.

6. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act.

7. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act.

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10. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act. The project is proposed to be constructed in accordance with the City of Kirkland's environmental policy act.

**APPROVALS:**

City of Kirkland: [Signature] Date: 9/16/74

City of Washington: [Signature] Date: 9/16/74

**PROJECT INFORMATION:**

Project Name: McDonald's Golden Arches

Project Address: 12414-116th NE, Kirkland, WA

Project Description: Drive-thru restaurant building with a drive-thru lane.

Project Area: 0.25 acres

Project Status: Proposed

Project Date: 9/16/74

Project File No.: CUP-74-26 (P)

Project No.: 1: Vicinity Map