

RESOLUTION NO. R-2328

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-75-25(P), BY PAUL M. SHANNON, TO LOCATE AN AUTOMOBILE STORAGE YARD IN A LIGHT INDUSTRIAL ZONE.

WHEREAS, the Department of Community Development has received an application for an Unclassified Use Permit filed by Paul M. Shannon, the leasor of the said property described in this application and located within a Light Industrial Zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 11, 1975, and

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

WHEREAS, said environmental worksheet and declaration have 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 information worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Unclassified Use Permit subject to 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 Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in Community Development File No. UUP-75-25(P) are adopted by the Kirkland City Council as though fully set forth herein except for the set back provision in Recommendation 1-a which is modified to read as follows:

- "1. That the subject property shall be landscaped from direct view off of 8th Street through the use of:
 - a. An aesthetically pleasing site obscuring six foot high wall or fence (i.e. cedar slat fence along the 8th Street property line."

Section 2. The Unclassified Use Permit as applied for in Department of Community Development File UUP-75-25 (P) by Paul M. Shannon is hereby given approval, subject to the conditions set forth in the Findings, Conclusions and Recommendations adopted by the City Council and modified in Section 1.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall attach to and become a part of the Unclassified Use Permit or evidence thereof delivered to the permittee.

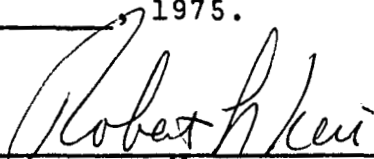
Section 4. Nothing in the Resolution shall be construed as excusing the applicant from compliance with any Federal, State or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance No. 2183, the Kirkland Zoning Code.

Section 6. Certified or conformed copies of the Resolution shall be delivered to the following:


- a. The 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 Kirkland City Council on this 6th day of October 1975.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

- D. Domestic Water. There is an existing 8" water main on 8th St.
- 7. Fire Hydrant. There is an existing fire hydrant on the corner of 10th Ave. and 8th St., approximately 150 feet away from the subject property.
- 9. Sanitary Sewers. There is an existing 8" sanitary sewer located on 8th Street.
- 10. Storm Sewers. There is presently no storm sewer system other than the open ditch drainage system along 8th Street.

E. NEIGHBORHOOD CHARACTERISTICS:

- 11. Zoning. The zoning of the subject property and the surrounding property to the west of the railroad tracks is Light Industrial. However, there is publicly owned property to the north, which is presently being used for the City shops and City storage area.
 - 12. Adjacent Land Use. Adjacent land use consists of a mixture of Light Industrial and City Shops use of the properties to the general north and west of the subject property. To the south again there is generally built-upon industrial use; however, this area consists of large portions of undeveloped property.
 - 13. Comprehensive Plan. This area is located on the Kirkland Comprehensive Plan as being "Multiple Housing".
 - 14. Population/Density. Generally this area has a minimal population due to the fact that the surrounding area has been developed as industrial property.
- F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
- 15. This application was submitted on April 30, 1975 and did receive a negative declaration on June 24, 1975.
 - 16. Pursuant to reviewing the Unclassified Use Permit, the Kirkland Planning Commission should be guided by the following standards and provisions regarding Unclassified Use Permits (Section 23.50.080).
 - a. Use requested by the Unclassified Use Permit shall be within the intent of the Ordinance, the Comprehensive Plan, and the public interest.
 - b. The use requested by the Unclassified Use Permit shall demonstrate that it is consistent with the performance standards of Section 23.56 of this Ordinance.
 - c. The use requested by the Unclassified Use Permit shall be made on the basis of site plans submitted.

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8/18/75

- F. 17. The front yard setback of the Light Industrial zone requires a 30 foot area (Section 23.22.070).
- 18. Off-street parking areas within an LI zone shall be site screened from view from adjoining properties by either Alternative 1 or 2 of Section 23.40.060 (Section 23.40.040).

- 19. Pursuant to the above:
 - a. A strip at least 4 feet wide, densely planted with shrubs or trees at least 4 feet high at the time of planting and which are of a type which may be expected to form a year round dense screen within 3 years, measured with reference to the elevation of the parking or loading area, or
 - b. A wall or barrier or uniformly finished fence at least 6 feet high, but not more than 8 feet above finished grade (or above the roof level if on a roof). Such wall, barrier, fence may be opaque or perforated provided that not more than 50% of the face is open. (Section 23.40.060).
- 20. No parking shall be allowed in required yards, provided however, that this restriction may be modified by the Planning Department under the following conditions:
 - a. Perimeter landscaping may be proposed subject to the minimum requirements of Section 23.40.060(1) (see above).
 - b. Maintenance and visibility at intersections shall be complied with.
 - c. The landscaping alternative provided herein shall demonstrate a superior solution to more restrictive setbacks in terms of additional amenities, and overall aesthetic qualities. The Planning Department, in applying this alternative, may modify to a greater or lesser extent the strict provisions of Section 23.40.060(1) in approving the landscaping plan which meets the objectives herein stated. (Section 23.34.100).
- 21. Building materials stores and yards are permitted within the Light Industrial zone, which is the use of the subject property to the south. There is also storage area for the City shops located just north of the subject property, and across 8th Street.
- 22. This application will be required to meet the requirements of Section 23.56 of the Kirkland Zoning Ordinance (Performance Standards).

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE September 11, 1975

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

R-2328 RESOLUTION _____ ORDINANCE _____

NUMBER _____ DATE _____

FILE NUMBER UDP-75-25(P)

APPLICANT Rudy Mac Towing

PROPERTY LOCATION 924 8th St.

SUBJECT Application for Unclassified Use Permit to locate an automobile storage yard within a Light Industrial Zone.

HEARING/MEETING DATE October 6, 1975

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Worksheet "C" Vicinity

Map "G" Site Plan "E" Environmental Assessment Statement "F" Zoning Map

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for an Unclassified Use Permit to locate an automobile storage yard within a Light Industrial zone, as provided for in Section 25.30.050(10), "Storage of operable or inoperable automobiles, exclusive of off-street parking facilities incidental to a primary use."

2. The application is a request to use an existing developed industrial storage area at 924 8th St. for the storage of these automobiles. The property used would be approximately 64 feet x 108 feet consisting of a total of 6970 square feet. (See Exhibits C and D.)

3. The subject property is within a Light Industrial (LI) zone. Justification of this proposal as stated by the applicant appears to be "the need of space in this area to serve wrecked or abandoned vehicles". This site would be used for storage purposes only, and this is strictly a storage yard for vehicles after accidents and vehicles impounded by local police. Derelict and abandoned vehicles will be stored in another yard within another community."

B. HISTORICAL BACKGROUND:

4. Zoning. Subject property was zoned C-M since prior to 1957. In 1972, during the consolidation of Houghton and Kirkland Zoning Ordinances, the subject property was zoned LI, which was consistent with the old Kirkland zoning.

C. EXISTING PHYSICAL CHARACTERISTICS:

1.. The subject site has an average slope of approximately 10%.

2. Soils. The surfacial soil located on the subject property would appear to generally consist of Alderwood Gravelly Sandy Loam (Agc) 6-15%. According to King County soils survey, the soil would have a moderate runoff rate with a moderate stability for low buildings.

3. Geology. The geology of the proposed site appears to consist of Vashon Till (Qt).

4. Vegetation. This site is completely bare of vegetation other than sparse weeds and grasses.

D. PUBLIC UTILITIES:

5. Streets. Ingress and egress of this site would be off of 8th Street, which provides 60 foot right-of-way. 8th Street has been identified as a neighborhood street in the Kirkland Circulation and Arterial Plan.

6. Paths/Trails. 8th Street has an open ditch drainage system, and there are no sidewalks or trails along that street.

APPLICATION FOR UNCLASSIFIED USE PERMIT

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant Paul M. Shannon Phone 822-2800

Company Name MAC TOWING

Mailing Address P. O. Box 584 City Kirkland Zip 98035

1. The undersigned applicant(s) is(are) the owners of the property described as follows: (Give complete legal description.)

Lots 19 and 20, Block 253, Supplementary Plat to Kirkland, according to plat thereof recorded in Volume 8 of Plats, page 5, records of King County, Washington

2. The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

924 8th St Kirkland, Washington 98035

3. The present zoning is Light Industry

4. Is the use requested by this permit within the intent of the Zoning Ordinance, the Comprehensive Plan, and the public interest? If yes indicate how:

Because of necessity, Yes.
The need of space in this area to store wrecked or abandoned vehicles according to the applicant has been realized.

UUP-75-25(P)
Rudy Mac Towing
Exhibit "A"
Application

(over)

UUP

5. Demonstrate by written text how the use requested in this permit is consistent with the performance standard in Chapter 23.36 of the Zoning Ordinance No. 2183 (water, air, noise, light, heat, junk, etc.)

The property will not be altered under this permit request.
The standards for water, air, noise, etc. should not be affected. The site will be used as is for storage purposes only.

6. Is the use requested by this permit made on the basis of site plans as required by Chapter 23.02.036 of the Zoning Ordinance No. 2183? (If the improvements are to be made over a period of greater than two years, indicate the time of improvements):

The enclosed site plan shows the existing conditions.
No improvements planned because of the nature of the request to use the site for storage of 6-8 cars only.

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

A F F I D A V I T

Paul C. Cannell, being first duly sworn depose and say, that I am (we etc) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

Paul C. Cannell
(Owner)
LESSOR

Subscribed and sworn to before me this 13 day of June, 1975.

Dorcas A. Bisset
Notary Public in and for the
State of Washington Residing at
Lockwood

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UUP

822-2800

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. The proposed use and development of the subject property to locate a towing storage yard appears to be generally consistent with the development pattern in the surrounding area.

B. HISTORICAL BACKGROUND:

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/Soils/Geology/Vegetation. None of these existing physical characteristics would appear to constrain development of this project as proposed or a decision on this Unclassified Use Permit.

D. PUBLIC UTILITIES:

5. Streets/Paths and Trails/Domestic Water/Fire Hydrants/Sanitary Sewers/Storm Sewer. There do not appear to be any existing physical utilities which would constrain this development or restrict a decision on this Unclassified Use Permit.

E. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning. The zoning of the subject property and adjacent properties would appear to be the most compatible to the type of development as proposed.
5. Adjacent Land Uses. Adjacent land uses would appear to be consistent with the proposed development pattern of the subject property and the impact from such a development should be minimal if adequate screening is accomplished.
6. Comprehensive Plan/Density/Population. There do not appear to be any development constraints from any of these elements.

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

7. Pursuant to Section 23.30.080 and review of this Unclassified Use Permit, refer to the following:

- a. The Unclassified Use Permit as requested appears to be within the intent of the Kirklar Zoning Ordinance, the existing zone classification of the subject property as proposed, however, not in the spirit and intent or letter of the Comprehensive Plan, due to an apparent conflict between existing zoning and the Comprehensive Plan. (i.e. Light Industrial Zone and Multi-Family Comprehensive Plan).
- b. The Unclassified Use Permit as requested appears to be consistent with the performance standards of Section 23.36 of the Kirklard Zoning Ordinance No. 2183.

Conclusions, Cont'd

7. c. The Unclassified Use Permit has been accompanied by site plans and vicinity plans and a description of the proposed activity. (Exhibits C and D.)

8. At the present time there is a chain link fence on the east, south and west sides of the subject property, and this storage area is open to direct view from 8th Street. Therefore, some type of site obscuring fence or landscaping should be proposed surrounding the subject property for buffering this use from adjacent uses.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, we hereby recommend that this application for an Unclassified Use Permit to locate an automobile storage yard, as identified in Exhibits A through F be approved subject to the following conditions:

1. That the subject property shall be landscaped from direct view off of 8th Street through the use of:
 - a. An aesthetically pleasing site obscuring six foot high wall or fence (i.e. cedar slat fence) set back 5 feet along the 8th Street property line.
 - b. Between the 8th Street right-of-way and the wall or fence line, evergreen trees 6 feet tall and 10 feet on center shall be installed for the width of the subject property.
2. Any source of lighting shall not be visible from adjacent properties.
3. That the aforementioned improvements shall be installed within 60 days of the approval of this permit.

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