

## RESOLUTION NO. R-2343

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-75-60(P) BY JALMAR HALLS TO CONSTRUCT A FREE STANDING SIGN ON THE SUBJECT PROPERTY BEING WITHIN A LIGHT INDUSTRIAL ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of January 8, 1976, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy of the State Environmental Policy Act, an environmental 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 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 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-75-60(P) are adopted by the Kirkland City Council as though fully set forth herein, with the exception of the square foot limitation in the sign face area of 31.5 square feet and the limitation on the overall height of the sign of 17 feet.

Section 2. The Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council and further subject to the condition that the square foot area of the face of the sign shall not exceed 47.82 square feet and the overall height of the sign shall not exceed 20 feet.

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

Section 4. Nothing in this section 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 Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. 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) The 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 19th day of January, 1976.



Mayor

ATTEST:

  
 Director of Administration & Finance  
 (ex officio City Clerk)

R-2343

Findings, Cont'd

D. 5. Topography. The Department of Community Development staff met with the applicant on November 6, 1975 and discussed the previous decision of the City Council and Planning Commission regarding dimensions of free standing signs (i.e. -17' in height and 31.5 square feet in sign area). Staff suggested that factual evidence should be submitted to substantiate the need for deviation from this standard such as topographical relationships of the property in question to I-405 and N.E. 124th Street. There is a slight slope of the subject property from I-405.

E. PUBLIC UTILITIES - Not applicable.

F. NEIGHBORHOOD CHARACTERISTICS

6. Zoning. The zoning of the subject property is Light Industrial, as are all adjacent properties to the northeast and south. Zoning to the northwest is Community Business (BC). The Interstate 405 right-of-way directly abuts this property to the west. The subject property is also located within a Freeway Interchange District (FID) overlay zone.

7. Land Use. Adjacent land use to the north and east of the subject property is Commercial, to the southeast is an existing service station and lumber yard, and all other adjacent lands are undeveloped. (Exhibit "A"-Vicinity Map and Land Use)

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS

8. It is the interpretation of the Department of Community Development that a commercial operation within an FID zone could propose signage size consistent with a Community Business zone, provided that the minimum setbacks requirement of the Light Industrial zone be complied with.

9. The following are relevant sections of the Kirkland Zoning Ordinance No. 2183:

a. 23.32.03D. Regulations by Zone. BC. Announcement of all permitted uses. Size in square feet: 2 per horizontal or vertical lineal feet of face of building.  
Location. LI. Not closer than one-half the required setback, if any.

b. 23.32.100. "Standards of Approval for a Freestanding Sign Under Conditional Use:

(1) A permitted sign shall generally be attractive on all visible sides. There shall be no back-sides consisting of obviously visible braces and structures that could materially affect other properties.

(2) Each business developing under one ownership shall have not more than one principal sign oriented to a single street.  
1/8/76  
12/30/75

Findings, Cont'd

G. 9. b. (3) A permitted sign shall be to scale in size and height with the building and premises to which it is appurtenant.

(4) 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, its detail, its materials and its color.

10. The existing policy direction by the Kirkland Planning Commission and the Kirkland City Council has been to limit all free standing signs within the City of Kirkland to 31.5 feet in area and 17 feet in height above average grade.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION

1. This application for a Conditional Use Permit is inconsistent with the policy direction of the City Council and Planning Commission and the applicant has not submitted any factual evidence to substantiate this application as recommended in Finding No. 5.

B. HISTORICAL BACKGROUND - Not applicable.

C. GOVERNMENTAL COORDINATION - Not applicable.

D. EXISTING PHYSICAL CHARACTERISTICS

2. There does not appear to be any unique physical characteristics associated with the subject site to substantiate a need for sign dimensions in excess of standards established by previous City Council decisions.

E. PUBLIC UTILITIES - Not applicable.

F. NEIGHBORHOOD CHARACTERISTICS

3. Zoning/Adjacent Land Use. It does not appear that this sign would be inconsistent with the visual identity of the surrounding neighborhood or be generally unattractive from the surrounding properties.

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

4. This application is in conflict with the following sections of the Kirkland Zoning Ordinance:

a. Section 23.32.100(3). Standards of Approval for Conditional Use: It does not appear that the proposed sign will be to scale in size with the building and premises to which it is appurtenant.  
1/8/76  
12/30/75

R-2343



DEPARTMENT OF COMMUNITY DEVELOPMENT  
**ADVISORY REPORT**  
 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE January 8, 1976  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 R-2343 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

FILE NUMBER CUP-75-60(P)  
 APPLICANT Jalmar Halls  
 PROPERTY LOCATION N.E. corner of I-405 & N.E. 124th St.  
 Application for Conditional Use Permit for Free Standing Sign for a VIP'S Restaurant.

SUBJECT \_\_\_\_\_  
 HEARING/MEETING DATE \_\_\_\_\_  
 BEFORE \_\_\_\_\_

EXHIBITS ATTACHED "A" Vicinity Map & Land Use "B" Site Plan "C" Proposed Sign "D" Application "E" Environmental Assessment

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to erect a free standing sign at the north east corner of Interstate 405 and N.E. 124th Street. (Exhibit "A" - Vicinity Map and Land Use)
2. The proposed sign is to be located along and oriented to N.E. 124th Street and will be 47.82 square feet in area and 20 feet in height above grade. The proposed sign is to be located 25 feet from N.E. 124th Street right-of-way and 5 feet from the western property boundary. The proposed sign is to be constructed of metal and plexiglass. (Exhibits "B"-Site Plan and "C"-Proposed Sign)
3. The proposed building for which this sign is being constructed is to be 3936 square feet (approximately 72' x 52' and 20' in height).
4. Justification of the proposed action has been identified by the applicant as:
  - a. "The property is highway oriented. It is adjacent to Totem Village. It fronts on N.E. 124th, an access to Highway 405."
  - b. "The request should result in the highest and best use."
  - c. "Property values will be enhanced on all adjacent property. Environmental impact is low. Annual volume of business expected is approximately \$800,000. Employment will be extended to approximately 85 people."
  - d. "Double faced sign, no visible braces."
  - e. "The sign requested is 8% of average "VIP" sign."
  - f. "The shape of the sign carries the same angle as the roof line. The effect of the sign along with the building is pleasing. The sign as designed and submitted will allow the use of 22" letters in the VIP portion and 18" letters in the word "Restaurant". Actual test indicates that at a speed of 35 miles per hour a car moves 45' a second. Result, a motorist has 9 seconds of vision to read and respond to VIP, 8 seconds to respond to Restaurant." (Exhibit "D"-Application)

- B. HISTORICAL BACKGROUND - Not applicable.  
 C. GOVERNMENTAL COORDINATION - Not applicable.  
 D. EXISTING PHYSICAL CHARACTERISTICS -

STANDARD  
SEWER  
STATION

120TH N.E.

NORTH



EXHIBIT "A"  
VICINITY MAP AND  
LAND USE  
Zoning Map (VIP'S)  
CUP-75-60(P)

PUGET SOUND CENTER  
WAY

KINGSGATE

N. E.

MOTORS

(unimproved)

ACCESS ESMT.

HALLS

VIP'S  
SITE

PROPOSED  
RESTAURANT

FREE  
STANDING  
SIGN

52 PARKING  
SPACES

(unimproved)

ACCESS ESMT.

METRO

(unimproved)

N. E.

124TH

STREET

(unimproved)

RAILER PARK  
ACCESS

TEXACO  
SERVICE  
STATION

BURLINGTON

LUMBER YARD

NORTHERN

R. R.

Conclusions, cont'd

- G. 5. This application is in conflict with the policy direction of the City Council and Planning Commission regarding maximum size and height of free standing signs. The sign as proposed is 16.32 square feet larger and 3 feet higher than all other approved free standing signs approved under the existing policy direction within the City of Kirkland.
6. This application is in conformance with the policy direction and section 23.32.030 of the Kirkland Zoning Ordinance regarding to total allowable signage with a FID zone, which would include free standing and building mounted signs, in conformance with all other relevant sections of the Kirkland Zoning Ordinance.
7. This application is in conformance with the following requirements of the Kirkland Zoning Ordinance:
  - a. Section 23.32.100 Standards of Approval for Conditional Use:
    - (1) The proposed sign will be double face with no visible braces and proposes to be generally attractive form all vixible sides.
    - (2) The applicant is at this time proposing one sign oriented to N.E. 124th Street. No other signs are proposed.
    - (3) It appears that the proposed sign will be to scale in height with the building and the premises to which it is appurtenant; due to the sign height being generally the same as the proposed height of the building.
    - (4) The proposed sign demonstrates an integral relationship to the design of the building and the premises to which it is appurtenant in its shape, its detail, its materials, and its color.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, and as identified in Exhibits "A" through "E", we hereby recommend that this application for a Conditional use Permit for a free standing sign be approved subject to the following:

The sign dimensions being reduced to 17 feet in overall height and 31.5 square feet in sign face area.

R-2343

(beyond)