

RESOLUTION NO. R- 2355

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-75-43(P), BY EARL WESTLUND TO DEVELOP AN AUTOMOBILE SERVICE STATION AT THE NORTHWEST CORNER OF N.E. 124TH STREET AND KINGSGATE WAY, 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 hearings thereon at their regular meetings of October 9, 1975, January 8, 1976 and March 11, 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 hearings 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-75-43(P) are adopted by the Kirkland City Council as though fully set forth herein.

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.

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.

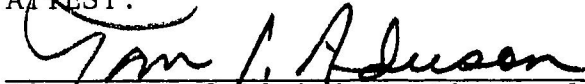
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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 5th day of April, 19 76.

  
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Mayor

ATTEST:

  
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Director of Administration and Finance  
(ex officio City Clerk)

Conclusions, Cont'd

G. 14. 23.46.140. Signs. The proposed signage is within the permitted signage allowed for an automobile service station, Section 23.46.140. The proposed signage is within the permitted signage allowed within a Freeway Interchange District zone.

15. Referring to Section 23.32.100 of the Kirkland Zoning Ordinance with regard to Standards of Approval for Conditional Use for signs:

- a. It appears that the proposed sign will be generally attractive on all visible sides and that there will be no back-sides consisting of obviously visible braces and structures that could materially affect other properties.
- b. It appears that the proposed automobile service station will have only one principal sign oriented to N.E. 124th Street and that the car wash will have only one principal sign oriented to N.E. 124th St. and one principal sign oriented to the one-way connector street to the east.
- c. It appears that the proposed signs will be to scale in size and height with the building and the premises to which it is appurtenant, however, the proposed free standing sign should be of a pedestal ground mounted type to further reduce the visual clutter at this intersection.
- d. It appears that the proposed signs 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.

16. Storm Water Retention Systems: The applicant should be required to design and install a storm water retention system which would be adequate to maintain on-site a quantity, quality and velocity of storm waters that is equal to or greater than present conditions, that would result from a 10-year storm after development of the parcel. This system should include sediment and oil traps to insure the quality of runoff waters. This system may be designed and located to handle the expected storm waters that may result from the development of both phases I and II but should be installed prior to a Certificate of Occupancy being granted for Phase I development. The design of this system should be reviewed and approved by the Department of Community Development.

17. Referring to Section 23.56.080 of the Kirkland Zoning Ordinance, Standards for Granting Conditional Use Permits:

- a. It appears that the use request by the applicant does meet with the intent of this Ordinance, public interest and the public health, safety and welfare.
- b. The applicant has provided an economic study which appears to show that the proposed automobile service station would be a sound business venture.

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Conclusions, Cont'd

18. The Planning Commission has considered all of the material in the Conditional Use Permit, File No. CUP-75-43(P), the Department of Community Development Advisory Report, the oral and written communications from the expert witnesses, has considered the alternative uses permitted on the property under the existing zoning, and concludes that the Conditional Use Permit to allow the retail sale of gasoline is not a major action significantly affecting the quality of the environment.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, and as located in Exhibits "A" through "O", the Department of Community Development hereby recommends that this application for a Conditional Use Permit be granted pursuant to the following:

1. The applicant shall be required to design and install a storm water retention system which would be adequate to maintain on-site a quantity, quality and velocity of storm waters that is equal to or greater than present conditions, that would result from a 10-year storm after development of the parcel. This system shall include sediment and oil traps to insure the quality of runoff waters. This system may be designed and located to handle the expected storm waters that may result from the development of both Phases I and II but shall be installed prior to a Certificate of Occupancy being granted for Phase I development. The design of this system shall be reviewed and approved by the Department of Community Development.
2. The common drive area shall be developed as part of the automobile service station.
3. The applicant shall submit a final landscaping plan to the Department of Community Development prior to building permit approval, that exhibits that there will be no restriction of visibility to adjacent streets and that will meet the spirit and intent of Section 23.46.090 of the Kirkland Zoning Ordinance. The Park Department will be asked to review the final landscaping plan.
4. The existing underground power lines running parallel to the western boundary of the subject property shall be raised to within three feet of the new proposed grade to allow for the servicing of these lines after both phases of development are completed. The applicant shall not restrict the drainage culvert leading from the entire parcel of the land between I-405, N.E. 124th Street and Kingsgate Way into Totem Lake.
5. The proposed free standing sign shall be of a pedestal, ground mounted type.

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Conclusions, Cont'd

E. PUBLIC UTILITIES:

10. Paths/Trails/Domestic Water/Fire Hydrants/Sanitary Sewers. The above elements would not appear to pose any constraints upon the Planning Commission upon reaching either a positive or negative decision on the proposed Conditional Use Permit.
11. Average Daily Traffic. The development of the proposed project may increase traffic congestion on N.E. 124th Street due to the high average daily counts in eastbound traffic making left turns into the subject property.
12. Storm Sewers. The proposed development of Phase II should not restrict the drainage culverts leading from the entire parcel of land between I-405, N.E. 124th Street and Kingsgate Way into Totem Lake.

F. NEIGHBORHOOD CHARACTERISTICS:

13. Land Use. The proposed development appears to be consistent with adjacent land uses within the freeway interchange and Totem Lake Shopping Center Area.
- G. LOCAL ZONING AND/OR LAND USE POLICY PLANS:
  14. Referring to Section 23.46 of the Kirkland Zoning Ordinance, and regarding Automobile Service Station:

23.46.030. The City Engineer has determined that the joining of N.E. 124th Street and the one-way connecting street does not constitute an intersection.

23.46.040. Location Along Arterials.  
N.E. 124th Street is a Major Arterial as defined by the Arterial Circulation Plan for Kirkland.

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Conclusions, Cont'd

- G. 14. 23.46.050. Distance to Other Stations and Uses: The proposed development is within 500 feet of an existing automobile service station, located to the southwest of the subject property. It does not appear that the development of the proposed automobile service station would create greater fire or explosion hazard due to the proposed gasoline storage tanks located underground.
  - 23.46.060. Dimensional Regulations. (1) The applicant proposes to locate the pump island 20 feet from the right-of-way line of N.E. 124th Street and more than 20 feet from the right-of-way line of the one-way connector street. The applicant proposes to locate the overhead cover for the pump island 10 feet from N.E. 124th Street and more than 10 feet from the one-way connector street. (2) The proposed driveway approximately 16 feet from the intersection along the south and east property line would not be a problem due to the proposed no left turn sign of this location. (3) The applicant has met the minimum recommended square footage of 22,500 square feet of land area for the service station portion of the subject property. The driveways for this proposed development have been properly developed with regard to internal circulation and ingress and egress from the property. (4) There is no additional service facility proposed in conjunction with the pump island canopy and the gasoline pumps.
  - 23.46.070. Driveways and Circulation. The driveways for this proposed development appear to have been adequately developed as part of the total circulation element of the entire parcel.
  - 23.46.090. Landscaping. The applicant should be required to exhibit at the time of application for building permit that the proposed landscaping will not restrict visibility to adjacent streets and will meet the spirit and intent of this section.
  - 23.46.120. Lighting. The proposed lighting scheme is adequate to meet the requirements of this section.
  - 23.46.130. Planning Commission Approval. In lieu of a performance bond, the Department of Community Development would require all Department of Fire Services and Building Department requirements, landscaping, lighting, signing and all other requirements to be installed and approved prior to a Certificate of Occupancy being granted for this proposed automobile service station.

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Findings Cont'd:

B. HISTORICAL BACKGROUND:

4. The subject property was annexed as part of the Totem Lake Annexation Area in March, 1974. The zoning prior to annexation was M-P, Manufacturing Park.
5. The applicant has received a building permit for the Car Wash facility with corresponding approval for curb cuts and landscaping.
6. This application was previously denied by the Planning Commission on October 9, 1975 due to the following:
  - a. A soils report was not conducted on the subject property.
  - b. Drainage from the subject property was not adequately addressed with respect to cumulative impacts of this development on the drainage basin.
  - c. The subject property lacks approximately 7,000 square feet to meet the recommended minimum size for a service station and 25 feet in depth of the proposed development.
  - d. The ingress and egress from the subject property would have a negative impact upon circulation of adjacent streets due to the size and location of these access points.
  - e. The internal circulation of the proposed development would not allow ease of movement when entering or exiting the subject property.
  - f. The proposed landscaping plan would restrict visibility to egress and ingress points and along the unnamed street right-of-way.
7. This application was previously denied by the Planning Commission on January 8, 1976 due to the following:
  - a. The applicant has not addressed potential soils problems with regard to the automobile service station and accompanying gasoline storage tanks and potential differential settlement resulting in possible spillage of gasoline.
  - b. Drainage from the subject property was not adequately addressed with respect to cumulative impacts of this development on the drainage basin and the retention of storm waters as required by the City.
  - c. The subject property lacks approximately 6,000 square feet to meet the recommended minimum size for a service station and 25 feet in depth of the proposed development and the applicant has not adequately addressed the subject site as it relates to the development of the automobile service station.
 

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Findings, Cont'd.

7. d. The traffic study conducted by Kenneth Cottingham, P.E., is not considered adequate to determine the impact of this project upon circulation of adjacent streets. It is still felt by this Department that the ingress and egress from the subject property would have a negative impact upon the circulation of adjacent streets due to the size and location of the proposed access points and the location of the subject property at this particular intersection. If the proposed improvements to N.E. 124th Street, by the Kirkland Engineering Department, were to be completed, then the traffic problems at this intersection would be substantially reduced.
- e. The proposed landscaping plan does not address the visibility of ingress and egress points along the unnamed street on the east side of the subject property.
8. The applicant has addressed the specific reasons for denial of this previous application by the Planning Commission in the following:
  - a. Regarding the need for a soils report: Richal Smith, P.E., has reviewed the log of boring B3 by Metropolitan Engineers drilled on 10/3/67 adjacent to the subject property and has concluded that the fill material would be of sufficient bearing capacity to locate a car wash, submerged gasoline storage tanks and a canopy. Any settlement in the natural material should be fairly uniform. (Exhibit "L" letter from Richal Smith, P.E., 1/8/76).
  - b. Regarding drainage: Statement from Mr. Shupe Holmberg, P.E. (Exhibit "K" - "We can meet the City of Kirkland Storm drainage requirements." (1/8/76) ).
  - c. Regarding the lack of sufficient square footage and minimum width and depth for a service station as it relates to internal circulation: The applicant now proposes to utilize 23,355 square feet for the proposed automobile service station and car wash facilities. (Exhibit "M" - Area Proposal). The applicant has redesigned the internal circulation plan to allow a greater freedom of automobile circulation within the subject property. The detail area for the car wash has been moved further to the north and direct exiting from this detail area to the one-way connecting street is now not possible. Automobiles may now leave the subject property by way of N.E. 124th Street, the one-way connecting street and Kingsgate Way through common drive area within the proposed commercial office area. The common drive area is proposed to be developed in conjunction with the automobile service station/car wash facility. (Exhibit "B").
 

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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 xx RECOMMENDED BY \_\_\_\_\_ DATE March 11, 1976  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 xx PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 R-2355 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_ DATE \_\_\_\_\_  
 FILE NUMBER CUP-75-43(P)  
 APPLICANT Earl Westlund  
N.W. corner of NE 124th St & betw. Kingsgate Way &  
N.E. 124th Street  
 PROPERTY LOCATION \_\_\_\_\_

SUBJECT Appeal of Planning Commission denial of Conditional Use Permit  
for Service Station in conjunction with a Car Wash.  
 HEARING/MEETING DATE April 5, 1976  
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan 1/27/76 "C" Sign "D" Sign "E" Explanation of Needs "F" Canopy "G" Landscaping "H" Economic Analysis "I" Env. Info. Worksheet "J" Application "K" Letter Shupe Holmberg "L" Letter Richal Smith "M" Area Proposal 1/27/76 "N" Memo Art Knutson 12/12/75 "O" Memo Art Knutson 1/28/76

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an appeal of a denial by the Kirkland Planning Commission for a Conditional Use Permit to install an automobile service station to be located in conjunction with a car wash at the northwest corner of N.E. 124th St. and the one-way connecting road between Kingsgate Way and N.E. 124th St., in the Totem Lake annexation area. This appeal is directed by the Kirkland City Council in order to review a revised proposal and other technical data submitted by the applicant. (See Exhibits "A" - Vicinity Map, and "B" Site Plan dated 1/27/76).
2. Also proposed in conjunction with the Automobile Service Station are:
  - a. 1. free standing double faced sign, each face to be 31.5 square feet in area and 17 feet in height, oriented to N.E. 124th Street, which will exhibit the gasoline company name as identified in Exhibit "C"- proposed freestanding sign; and
  - b. 2. face mounted canopy signs, one on the west base of the proposed canopy and oriented to N.E. 124th Street, and one on the east face of the proposed canopy and oriented to the one-way access street. Each canopy sign will be .64 square feet in area and not to project above or below the canopy facade. Approximately 21 square feet of each proposed face mounted canopy sign will be utilized as gasoline price reader boards and approximately 43 square feet will exhibit the car wash identification name as identified in Exhibit "D"; and
  - c. 4. Florescent area lights mounted on standards, each 14 feet in height and directed towards the subject property.
3. Justification. The justification for the proposed project has been identified by the applicant to be: "the gasoline facility will offer the motoring public a choice and better selection of products, by saving the motorist from driving great distances to find the product of his or her choice or the brand which will accept a credit card in their possession. The location is on Interstate 405 where motorists from all over the nation might travel. This location is convenient to on and off-ramps to the freeway. The motorists will be able to obtain his needs and continue his travels without having to travel City streets and arterials. Also saving them time. The location is central in a growing community, with conveniences to residences to both sides of I-405. The nearest facility is more than three and one-half miles from this location that offers comparable services." (Exhibit "E"- Explanation of Need).

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Findings, Cont'd

E. 22. Average Daily Traffic. On N.E. 124th St., between I-405 and 124th Ave. N.E., the average daily traffic was 11,330 in 1973. On Kingsgate Way just to the north of N.E. 124th St., the average daily traffic was 8312 in 1973.

23. Paths/Trails. No sidewalks exist in the vicinity of the subject property. N.E. 124th St. and 124th Ave. N.E. are listed as existing bike trails by the Kirkland Park Department. Proposed bike trails in this area include Kingsgate Way and the Burlington Northern Railroad right-of-way.

24. Domestic Water. The subject property is serviced by King County Water District #81. Pursuant to an official communication from King County Water District #81, there is an 8" line on the south side of N.E. 124th Street which is adequate to serve the proposed use.

25. Fire Hydrants. One fire hydrant exists in front of the existing Texaco Service Station to the southwest of the subject property, approximately 100 feet from the subject property.

26. Sanitary Sewers. The subject property is serviced by N.E. Lake Washington Sewer District, and pursuant to an official communication from the N.E. Lake Washington Sewer District, there is an existing sewer stub on the northern portion of the subject property which would be adequate to handle the proposed project subject to the developers installing and maintaining a sediment trap.

27. Storm Sewers. There are two existing culverts to the west of the subject property which drains the entire parcel of land between I-405, N.E. 124th Street, and Kingsgate Way into Totem Lake and eventually drains into the Juanita Creek Basin.

F. NEIGHBORHOOD CHARACTERISTICS:

28. Zoning. The subject property is zoned Light Industrial (LI) with a Freeway Interchange District (FID) overlay zone. The LI zoning extends west to the I-405 boundary, south to N.E. 116th St., east to Slater Ave. N.E., and north to the Totem Lake Shopping Center. The Totem Lake Shopping Center is zoned Community Business (CB).

29. Land Use. The land use to the east of the subject property and along N.E. 124th St. is Light Industrial, to the southeast is an existing lumber yard, to the south an existing gas station, to the southwest is an existing mobile home park, to the west is vacant property and the I-405 right-of-way and to the north is the existing Totem Lake Shopping Center.

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Findings, Cont'd

G. LOCAL ZONING AND/OR LAND USE POLICY PLAN:

30. Referring to Section 23.46 of the Kirkland Zoning Ordinance, and regarding automobile service stations:

23.46.030. Location at Intersection: Not more than two (2) service stations shall be located at any given intersection. They should be situated at diagonally opposite corners.

23.46.040. Location Along Arterials:

Service stations shall only be located on major or secondary arterials, as defined in the Arterial Circulation Plan for Kirkland, unless they are designed as an integral part of the garage, shopping center, or similar business complex.

23.46.050. Distance to Other Stations and Uses:

The minimum separation between service stations and/or other businesses storing or handling flammable liquids or materials shall be 500 feet, except when located at an intersection as provided in Section 23.46.030 of this Ordinance. Service Stations shall not be closer than 500 feet unless the developer can provide reasonable proof that less separation would not create greater traffic, congestion, fire or explosion hazard.

23.46.060. Dimensional Regulations.

(1) The minimum distance between the right-of-way line and the adjacent edge of a pump island shall be 20 feet. An overhead cover for pump islands may extend to, but not closer than 10 feet to a public right-of-way.

(2) The minimum distance between the closer edge of the driveway entrance and the intersection of property lines with the intersection of public right-of-ways shall be 50 feet. There shall be no more than four curb cuts, with a maximum combined length of 100 feet. No curb cut shall exceed 25 feet in length.

(3) Minimum area and dimensional regulations stated herein are recommended criteria and may be necessarily modified to the grant of a Conditional Use Permit based on exhibits which demonstrate that a proposed facility is functionally sound, that design qualities are achieved, and that the intent and purpose of this section is not diminished.

(a) Minimum area: 22,500 square feet;  
(b) Minimum width and depth: 125 feet.

(4) No proportion of the facility, with the exception of the pump island canopy, shall be closer than 15 feet to any adjoining property line nor closer than 40 feet to a public right-of-way.

23.46.070

Driveways and Circulations:

Driveways for service stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation element of such adjacent uses.

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- B. 8. d. Regarding ingress and egress points to the subject property, and possible negative impact upon circulation of adjacent streets: The applicant has redesigned ingress and egress points to the subject property, which include exit only and no left turn signs at the western exit point on N.E. 124th Street and a no left turn sign at the eastern entry point on N.E. 124th Street. (Exhibit "B" - Site Plan 1/27/76).
- e. Regarding landscaping restricting visibility at ingress and egress points: The applicant will submit a final landscaping plan to the Department of Community Development, at the time of building permit application, that will not restrict visibility to adjacent streets and that will meet the spirit and intent of Section 25.46.090 of the Kirkland Zoning Ordinance.

C. GOVERNMENTAL COORDINATION

- 9. Kirkland Public Service Department. "The builder was warned at the time of his application for a building permit to the City of Kirkland that his corner leaves much to be desired, not from the street traffic going by, as it relates to ingress and egress from the street. That there would eventually be restrictions on left turns from the exits and also left turns off of N.E. 124th to enter their place of business. There could be a time when only south bound or west bound traffic will be able to enter the station also exiting vehicles might only be able to go west or north out the back door. The drainage problem at the present time is enormous and all the water now must run off as it cannot go into the ground. The ground is practically floating." (Memo from Art Knutson dated 12/12/75). (Exhibit "N")

- 10. The Public Service Department is satisfied with the drawing for the above (Exhibit "B") that shows the traffic pattern. (Exhibit "O" - Memo from Art Knutson, 1/28/76).
- 11. Kirkland Department of Fire Services - No Comment.
- 12. Kirkland Building Department - No Comment.
- 13. Kirkland Park Department. The Park Department would like to 1) see specific sizing on landscaping materials, 2) have a preconstruction conference prior to installation of landscaping, and 3) be a member of the review team on completed landscaping prior to the completed landscaping being approved.
- 14. Water District 81 - No comment.
- 15. N.E. Lake Washington Sewer District. The N.E. Lake Washington Sewer District will require that a sediment trap be installed in the main drainage line emptying into the sanitary sewers. Presently the Sewer District has a sewer pumping station

- C. 15. located at the northern end of Phase II. This pump station is serviced by underground facilities running from a power pole located in the southwest corner of Phase I and paralleling the western boundary of the entire parcel. The Sewer District is concerned with the following: 1) that the depth of fill material will leave the underground utilities too deep for maintenance and repair, 2) Restriction of ingress and egress for vehicle traffic to service the lift station, and 3) Adequate drainage to protect the lift station from flooding.

D. EXISTING PHYSICAL CHARACTERISTICS:

- 16. Topography. The subject property is being graded at the present time to allow for the approved development of the car wash.
- 17. Soils. Top soil at the subject site consists of fill material. Local soils mapping indicates the site to be within an Indianola Loamy Fine Sand (InC) soil classification 4 to 15% slope. The applicant has submitted a soils report completed by Metropolitan Engineers drilled on October 5, 1967, an analysis of this report done by Richal Smith, P.E. (Exhibit "L" - Soils Report and Analysis).
- 18. Geology. Local geologic mapping indicates the site to be within a Alluvium (Qa) geologic unit. The Kirkland Natural Elements Study indicates the following: "All development on Alluvium should be generally limited to one-story until further investigations concerning stability can be made by qualified soils engineer. Any more-pressure on this unit could cause it to shift causing both damage to the structures and possible pollution to the lake or stream." Kirkland Natural Elements Study, Pg. 19.
- 19. Hydrology. The subject property is located within 100 feet of Totem Lake and the Totem Lake drainage system which drains into the Junnita Creek Drainage Basin. The subject property appears to be located within the 100 year flood plain as located by Federal Insurance Administration, Department of Housing and Urban Development. There is an existing low marshy area to the northwest of the subject site which appears to be inundated during the wet months of the year.

- 20. Vegetation. The subject property now consists of fill material, with no vegetation.

E. PUBLIC UTILITIES:

- 21. Streets. Interstate 405 is located approximately 100 feet to the west of the subject property and is connected by the N.E. 124th Street off ramp. N.E. 124th Street is a major arterial and abuts the subject property on the south. The subject property is bounded by Kingsgate Way to the north, a one-way access street on the east and N.E. 124th Street on the south. The Burlington Northern Railroad right-of-way is approximately 30 feet to the east of the subject property. (Refer to Vicinity Map, Exhibit "A").



**CONCLUSIONS:**

**A. SUMMARY OF THE PROPOSED ACTION:**

1. The proposed automobile service station as identified in this application for a Conditional Use Permit appears to be consistent with the spirit and intent of Section 23.46 of Ordinance No. 2183, regarding automobile service stations.

**B. HISTORICAL BACKGROUND:**

2. Regarding the applicant's response to the specific reasons for denial of this previous application by the Planning Commission:

- a. Regarding the submitted soils report and analysis: This Department accepts the statements from Richal Smith, P.E., and has no further concerns regarding soil stability at this site.
- b. Regarding drainage: The applicant should be required to exhibit at the time of building permit application that the City standards for storm water retention and drainage will be met.
- c. Regarding the lack of sufficient square footage and minimum width and depth as it relates to internal circulation: This Department is satisfied that the new proposal meets the required square footage for an automobile service station and that internal circulation will no longer be a problem due to a redesign of the proposal. The common drive area should be required to be developed as part of this proposal.
- d. Regarding ingress and egress points to the subject property and possible negative impacts upon circulation of adjacent streets: The new design for ingress and egress to the subject property satisfies the concerns of Mr. Knutson, Public Service Director.
- e. The applicant should be required to submit a final landscaping plan to the Department of Community Development at the time of building permit application, that will not restrict visibility to adjacent streets and that will meet the spirit and intent of Section 23.46.090 of the Kirkland Zoning Ordinance.

**C. GOVERNMENTAL COORDINATION:**

3. Kirkland Park Department: The applicant should be required to 1) include specific sizings on landscaping materials, 2) have a preconstruction conference with the Kirkland Park Department, and 3) the Park Department and the Department of Community Development should have final approval rights for the completed landscaping after the project is completed.

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**Conclusions, Cont'd**

C. 4. N.E. Lake Washington Sewer District. The existing underground power lines running parallel to the western boundary of the subject property should be raised to within three feet of the new proposed grade to allow for the servicing of these lines after both phases of development are completed. The applicant should not restrict the drainage culvert leading from the entire parcel of the land between I-405, N.E. 124th Street and Kingsgate Way into Totem Lake.

5. Kirkland Public Service Department. Refer to Conclusion 2.

**D. EXISTING PHYSICAL CHARACTERISTICS:**

- 6. Soils. The applicant has submitted a Soils Report to the City of Kirkland which was conducted by Metropolitan Engineers and analyzed by Richal Smith, P.E., Structural Engineer. From Mr. Smith's testimony it is concluded that soils will not be a constraint upon reaching a positive or negative decision regarding this proposal.
- 7. Geology. The proposed structure is only one story in height and it does not appear that this structure would affect the stability of this geologic unit. The proposed underground gasoline storage tanks will not have a substantial weight when full and will not cause an additional pressure that could cause this geologic unit to become unstable. The applicant should be required to follow all Kirkland Department of Fire Services and Kirkland Building Department regulations to insure that any shifting of this geologic unit will not cause a rupture of a gas line or a storage tank.
- 8. Hydrology. The hydrology of the subject property is of an extreme concern to the Planning Commission. The applicant should be required to meet all storm water retention requirements of the City prior to obtaining a building permit.
- 9. The applicant may be required to receive Federal Flood Insurance pursuant to the requirements of the Federal Insurance Administration, Department of Housing and Urban Development pursuant to Section 102(a/b) of the Flood Disaster Protection Act of 1973 if the applicant is to receive a loan from a federally supervised private lending institution for the proposed automobile service station or car wash.

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