

RESOLUTION NO. R- 2391

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-76-47(P) BY THURMAN INDUSTRIES, INC. TO CONSTRUCT A FREE STANDING SIGN, BEING WITHIN A LIGHT INDUSTRIAL ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Thurman Industries, Inc., the owner of said property described in said application and located within a Light Industrial Zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 9, 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 Chairperson thereof and filed in the Department of Community Development File No. CUP-76-47(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.

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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.

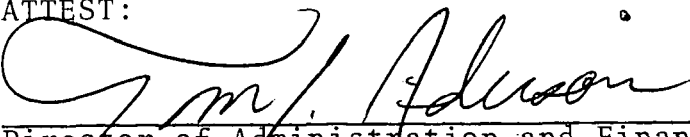
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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 20th day of September, 1976.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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Findings, Cont'd

G. 7. c. Standards of approval for a free standing sign on a conditional use: (Section 23.32.100).

"The Planning Department and Planning Commission shall review and evaluate each sign application according to the following criteria:

- (1) A permitted sign shall generally be attractive on all visible sides. There shall be no back side consisting of obviously visible braces and structures that could materially affect other properties.
- (2) Each business development under one ownership shall have not more than one principal sign oriented to a single street. Existing business developments under one ownership, revising their signs, shall have not more than one principal sign oriented to a single street.
- (3) A permitted sign shall be to scale in size and height with the building and the 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."

8. The existing policy direction by the Kirkland Planning Commission has been to limit all free standing signs in commercial zones within the City of Kirkland to 31.5 square feet in area and 17 feet in height above average grade. The City Council, however, ruled in a recent decision for a free-standing sign at the N.E. 124th Street interchange, that this general standard should not be universally applied to all free-standing signs. It was the Council's decision that while this standard was legitimate for the Central Business District and other smaller neighborhood or community business areas, a larger sign face area should be permitted for freeway interchange or industrial areas.

9. The emerging Land Use Policy Plan has the following recommendation regarding Economic Activities: "Require that new and existing industrial and commercial activities conform to performance standards minimizing adverse impacts to adjacent uses, especially residential uses, to other uses within the industrial or commercial area," and to the community at large. c. Control the use of signs." (Policy 5.c.)

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit is generally consistent with the policy direction of the Kirkland Planning Commission regarding the height and size of the proposed sign.

B. HISTORICAL BACKGROUND: (Not applicable).

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Conclusions, Cont'd

C. GOVERNMENTAL COORDINATION: (Not applicable)

D. EXISTING PHYSICAL CHARACTERISTICS: (Not applicable)

E. PUBLIC UTILITIES: (Not applicable)

F. NEIGHBORHOOD CHARACTERISTICS:

- 2. 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 to the surrounding properties.
- 3. This application is in conflict with Section 23.32.030 of the Kirkland Zoning Ordinance. The buildings on the subject property within a one-hour fire wall contain approximately 21,920 square feet which would permit a sign no larger than 43.8 square feet rather than a 50 square foot sign as proposed. (This does not include 4,090 square feet within the proposed covered nursery area or the entrance area.)
- 4. The application is in conformance with the following requirements of the Kirkland Zoning Ordinance: (Section 23.32.100 - Standards of Approval for Conditional Use).

(a) The proposed sign will be double faced with no visible braces and proposed to be generally attractive from all visible sides.

(b) The applicant is at this time proposing one sign oriented to N.E. 124th Street. No other signs are proposed.

(c) 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 building or below that of the proposed building.

(d) The proposed sign demonstrates an integral relationship to the building height and to the premises to which it is appurtenant in its shape, detail, materials and color.

5. Although the City Council did permit VIP's to have a free standing sign higher than 17 feet and larger than 31.5 square feet in area, the Kirkland Planning Commission does not infer this action by the Kirkland City Council as being an adopted policy with regard to Light Industrial zones or Freeway Interchange Districts. The Kirkland Planning Commission sees no overriding rationale for the granting of a Variance for this application which is larger than 31.5 square feet due to the Light Industrial zoning, and also due to the fact that it is on a neighborhood arterial.

9/9/76  
8/25/76



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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
RECOMMENDED BY \_\_\_\_\_ DATE September 9, 1976  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
BOARD OF ADJUSTMENT \_\_\_\_\_  
HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
PLANNING COMMISSION \_\_\_\_\_  
CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
*John C. Cushing*  
John Cushing, Chairperson

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER CUP-76-47(P)  
APPLICANT THURMAN INDUSTRIES, INC.  
PROPERTY LOCATION 12626 N.E. 124th Street  
SUBJECT Applic. for Conditional Use Permit for Free Standing Sign

HEARING/MEETING DATE September 20, 1976  
BEFORE KIRKLAND CITY COUNCIL  
EXHIBITS ATTACHED "A" Application "B" Environmental Checklist "C" Vicinity  
Map "D" Site Plan "E" Sign Elevation

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to erect a free standing sign on the subject property generally identified as 12612 N.E. 124th Street. (Refer to Exhibit "C" - Vicinity Map and Exhibit "D" - Site Plan).
2. The proposed sign is to be located within the subject property but oriented to N.E. 124th Street and would be approximately 50 square feet in area and 12 feet above grade. The proposed sign is to be located within 45 feet of N.E. 124th Street right-of-way, and generally within the center of the subject property. The proposed sign is to be constructed of plexiglass and metal and would be of red letters outlined in white on a blue background. Further, the proposed sign would be interiorly lit.
3. The proposed building for which this sign is to be constructed is to be approximately 21,920 square feet in size (includes two buildings, 17,920 and 4000 sq. ft.).

- B. HISTORICAL BACKGROUND: (Not applicable)
- C. GOVERNMENTAL COORDINATION: (Not applicable)
- D. EXISTING PHYSICAL CHARACTERISTICS: (Not applicable)
- E. PUBLIC UTILITIES: (Not applicable)
- F. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning. The zoning on the subject property and those properties north of N.E. 124th Street are zoned Light Industrial.
5. Land Use. The adjacent land use to the northwest and east is Light Industrial, and adjacent properties are being developed on the north side of N.E. 124th Street.

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

6. The applicant has submitted an environmental worksheet which did receive a negative declaration from the responsible official on July 28, 1976.
7. The following are relevant sections of the Kirkland Zoning Ordinance No. 2183:
  - a. Light Industrial zoning ratio is 1 square foot of sign per 500 square feet of usable floor area.
  - b. Location: Not closer than one-half the required setback (if any). (Section 23.32.030).

APPLICATION FOR A CONDITIONAL USE PERMIT

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

Name of Applicant THURMAN INDUSTRIES, INC. Phone 454-0104  
Company Name Thurman Supply

Mailing Address 12626 N.E. 124th St. City Kirkland Zip 98033  
The undersigned applicant(s) is(are) the owners of the property described as follows: See attached

The above property was acquired by the applicant on the 12th day of June, 19 75. The present zoning is Light Industrial.

1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above:

Conditional use for signing only

2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.

(Answer on following page  
CUP-76-47(P)  
Thurman Industries, Inc.  
(Over)

3. Is the use or modification requested by this application for the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

A F F I D A V I T

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

STANLEY M. THURMAN

I am (we are) 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.

*Stanley M. Thurman*  
(Owner)

(Owner)

Subscribed and sworn to before me this 21st day of June, 19 76

*Stanley M. Thurman*  
Notary Public in and for the  
STATE OF WASHINGTON, residing at  
12626 N.E. 124th St.

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Thurman Industries, Inc.  
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RECOMMENDATIONS

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

No more than a 31.5 square foot free standing sign shall be permitted and said sign shall be no higher than 17 feet above grade and shall be located as indicated in Exhibit "D".