

RESOLUTION NO. R- 2392

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-76-45(P) BY MOBIL OIL CORPORATION TO CONSTRUCT A FREE STANDING SIGN, BEING WITHIN A BC AND FID 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 Mobil Oil Corporation, the owner of said property described in said application and located within a BC and FID 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-76-45(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.

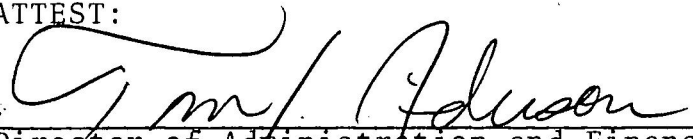
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

7. The applicant has submitted an environmental checklist which did receive a negative declaration from the responsible official on June 21, 1976.

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

a. Signage ratio per community business zone is 2 square feet of sign per horizontal face of the building. (Section 23.32.030).

b. Standards of Approval of free standing sign under conditional use:

"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. (Section 23.32.100)

9. 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.

10. The following policy is from the Emerging Land Use Policy Plan for the City of Kirkland:

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Findings, Cont'd

G. 10. (Cont'd)

"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 an industrial or commercial area, and the community at large. c. Control the use of signs. (Policy 5.c. Economic Activities).

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use is inconsistent with the previous policy direction of the Kirkland Planning Commission regarding gas station signage in a Freeway Interchange District.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION: (Not applicable)

D. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography. There do not appear to be any unique physical characteristics associated with this site to substantiate a need for signage dimensions in excess of standards previously recommended by the Kirkland Planning Commission.

E. PUBLIC UTILITIES: (Not applicable)

F. NEIGHBORHOOD CHARACTERISTICS:

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

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

4. This application is in conformance with the following requirements of the Kirkland Zoning Ordinance:

a. Maximum permitted signage: 124 sq. ft. along N.E. 85th Street. Proposed signage: Approximately 41 square feet

b. Section 23.32.100. Standards for approval of Conditional Use:

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

(2) The applicant is at this time proposing one identification sign oriented to N.E. 85th Street. Future building signage would be reviewed under a sign

9/9/76
8/25/76



DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
RECOMMENDED BY XX DATE September 9, 1976
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
PLANNING COMMISSION XX
CITY COUNCIL AS INCORPORATED IN _____
John Cushing
John Cushing, Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER CUP-76-45(P)
APPLICANT Mobil Oil Corporation
PROPERTY LOCATION N.E. 85th St. and 120th Ave. N.E.

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" Topography/
Vicinity Map "D" Site Plan "E" Existing Corner Sign "F" Proposed Corner
Sign "G" Existing Elevation on N.E. 85th "H" Proposed Elevation on N.E.
85th.

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 southeast corner of the subject property located at N.E. 85th Street and 120th Avenue N.E. (Exhibit "C" - Vicinity Map).
2. The proposed sign is to be located along and oriented to N.E. 85th Street and will be approximately 41 square feet in area and located on the existing sign pole but not to exceed 17 feet above grade. The proposed sign would be approximately 5 feet from the abutting right-of-way. The proposed sign is to be constructed of aluminum and plexiglass.
3. The proposed building for which this sign is being constructed is 62 by 35 and 14.5 feet in height.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION: (Not applicable)

D. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. N.E. 85th does gain elevation from the west toward the east. N.E. 85th has a 2% grade for 1200 feet to the west of proposed sign location which increases to 5% for the 1200 feet to the east of the sign location. (Refer to Exhibit "C".)

E. PUBLIC UTILITIES: (Not applicable)

F. NEIGHBORHOOD CHARACTERISTICS:

5. Zoning. The subject property is zoned Community Business as are adjacent properties to the east and south. The subject property to the north is zoned Residential Single Family 35,000 square feet minimum lot size. The subject property is within 100 feet of I-405 right-of-way, and the subject property is also located within a Freeway Interchange District (FID) overlay zone.
6. Land Use. The adjacent land use to the subject property generally consists of service stations and auto-oriented facilities. An auto distributor is located directly south of the subject property, whereas the remaining corners of the intersection of N.E. 85th and 120th Ave. N.E. are utilized through service stations.

2. Existing use is not being changed.

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.

NA

A F F I D A V I T

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

M. A. Standley, being duly sworn depose and say, that 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.

M. A. Standley
(Owner)
By M. A. Standley
(Owner)

Subscribed and sworn to before me this 18 day of June, 1976.

[Signature]
Notary Public in and for the
STATE OF WASHINGTON, residing at
[Address]

CUP

DESCRIPTION OF CREATED PARCELS:

PARCEL A

That portion of Lots 10 and 11, Block 36, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 14, as recorded in Volume 20 of Plats, page 14, records of King County, Washington, described as follows:

Commencing at the southeast corner of said Lot 10; thence north 0°24'36" west along the east line thereof 20.00 feet to the northerly margin of SR 901 (N.E. 85th Street) and the True Point of Beginning; thence south 89°45'39" west along said margin 69.26 feet; thence north 0°14'21" west 10.00 feet; thence south 89°45'39" west 129.73 feet; thence north 0°14'21" west 87.30 feet; thence north 5°05'50" east 81.05 feet; thence north 87°39'39" east 191.03 feet to the west margin of 120th Avenue N.E.; thence south 0°24'36" east 185.00 feet to the True Point of Beginning.

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City of Kirkland
Department of Community Development

6. 4. b. (2)(Cont'd)
Permit and Section 23.46.140 of the Kirkland
Zoning Ordinance.

(3) It appears that the proposed sign will be to scale with the building and the premises to which it is appurtenant. The height of this sign would be generally greater than that approved for the previous gas station sign in a Freeway Interchange District.

(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, detail, design and materials.

5. To control the use of free standing or ground mounted signs, it should be restricted to a manner in which the signs inform the motorist of available services without competing for attention or detracting from traffic safety signaling.

6. The N.E. 85th Street portion of the Central/State Everest neighborhood recommended that strict performance standards for landscaping, parking, signage and design criteria be established throughout this corridor. Due to the high traffic volume on N.E. 85th Street, a non-face mounted sign should be ground mounted and well integrated into the overall landscaping. This may fit well within the image of the self-serve type Mobil Station.

7. 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. Having set the standard at 31.5 square feet and 17 feet above average grade, the Kirkland Planning Commission feels that this general policy is particularly applicable to this application due to the fact that this area is a very sensitive entrance to the City, the sign would not be oriented to the freeway to draw traffic from that limited access highway, this area is neighborhood business oriented being located along N.E. 85th Street, and does not appear to require a larger sign as requested.

RECOMMENDATIONS:

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

1. The sign as proposed in Exhibit "F", be no larger than 31.5 square feet and no higher than 17 feet above grade, and located as shown in Exhibit "H", and
2. The Department of Community Development would recommend that the applicant give further consideration to a ground mounted sign placed on a pedestal and integrated into the landscaping at the southeast corner of the property.

APPLICATION FOR A CONDITIONAL USE PERMIT

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

Name of Applicant Mobil Oil Corporation Phone 623-3200

Company Name Mobil Oil Corporation

Mailing Address 1711 - 13th Ave. S. City Seattle Zip 98134

The undersigned applicant(s) is(are) the owners of the property described as follows:

See attached legal description.

RECEIVED

JUN 18 1976

AM PLANNING DEPARTMENT PM

The above property was acquired by the applicant on the _____ day of _____, 19 69. The present zoning is Neighborhood Business.

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: The existing use of this location is not being changed. Only the internal operation of the business is changing.

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.

EXHIBIT "A"
APPLICATION
ANSWER ON FOLLOWING PAGE CUP-76-45(P)
MOBIL OIL CORP.
(Over)