

RESOLUTION NO. R- 2403

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-76-53(P), BY OVERLAKE OIL COMPANY TO REZONE A PARCEL FROM RESIDENTIAL SINGLE FAMILY 8500 TO LIGHT INDUSTRIAL, AND SETTING FORTH CONDITIONS TO WHICH SUCH INTENT TO REZONE SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent to Rezone filed by Overlake Oil, the owners of said property described in said application and located within an RS 8.5 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of October 14, 1976, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy of the State Environmental Policy Act, an environmental checklist 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 checklist 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 checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Intent to Rezone 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. R-76-53(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Intent to Rezone 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. (The City Council further approves in principal, the request for reclassification from RS 8.5 to Light Industrial and pursuant to Chapter 23.62 of Ordinance 2183, the Council shall by Ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.)

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 Intent to Rezone 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 Intent to Rezone permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone permit is subject shall be grounds for revocation in accordance with Section 23.62.120 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 1st day of November , 1976.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

Findings, Cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

8. Topography. The subject property is generally flat in a north-south direction but has a 5-10% slope from 8th St. to the west.
9. Soils/Geology. Generalized soil mapping shows that the subject property is within an Indianola Fine Sandy Loam (InC) 5-15% slope. The generalized geologic mapping indicates the subject property to be within an area of Vashon Till (Qt).
10. Vegetation. The existing vegetation on the subject property is generally indicated in Exhibit "E" - Vegetation, and can also be seen in Exhibit "J" - Aerial photos of the site. Generalized vegetation includes a number of alders, maples, and smaller Douglas Fir and associated grasses.

E. PUBLIC UTILITIES:

11. Streets. The subject property abuts on two streets, being 10th Avenue and 11th Avenue, whereas the developed property also fronts on 8th Street. Both 10th and 11th Avenues are paved to approximately a 20 foot width in their 60 foot right-of-ways, and both streets are of an open drainage ditch design. The right-of-way of 8th Street is 80 feet wide, and is paved approximately 25-30 feet wide. There is existing on-street parking on 8th Street by both City employees and Overlake Oil. (Refer to Exhibit "J" - Aerial photographs).
12. Sanitary Sewer. There is an existing 8" sewer in 8th Street which is adequate to serve the subject property.
13. Domestic Water. There is an existing 6" looped water main on both 10th Avenue and 8th Street which could serve the subject property.
14. Fire Hydrant. There is a fire hydrant on the northwest corner of the intersection of 10th Avenue and 8th Street.
15. Storm Drainage. There is an open drainage ditch along 10th Avenue, which connects to an 18" storm drain within the right-of-way of 8th Street.
16. Pedestrian Ways. Due to the configuration of the existing pavement, there are no pedestrian ways along any of the abutting right-of-ways.

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Findings, Cont'd

F. NEIGHBORHOOD CHARACTERISTICS:

17. Zoning. Lots 9-10 and 56-57, Block 239 are presently zoned Residential Single Family 7,200 square foot minimum lot size. The existing zone boundary is located on the centerline of the adjoining alleyway to the east. Refer to Exhibit "C" which indicates existing zoning in the immediate area.
18. Land Use. Land use in the adjacent vicinity is a mix of Light Industrial and Residential Uses. There is an existing single family neighborhood to the northwest, west and southwest of the subject property and the existing Overlake Oil Corporation building. Land use to the south includes other Light Industrial uses and directly south is the City of Kirkland pipeyard and nursery. Other industrial uses to the south and southwest include a greenhouse and a towing yard. The City of Kirkland shops are east of the subject property, whereas undeveloped light industrial zoned property is to the north. The spacial pattern of residences and adjoining uses can be seen in Exhibit "J" - Aerial photos.

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

19. Pursuant to the Kirkland Planning Commission and the City Council reviewing a request for amendment to the Zoning map, the following criteria shall be used in the review of such an Intent to Rezone (Section 23.62.050).
 - a. The use or change in zoning requested shall be in conformity with the adopted Comprehensive Plan, the provisions of this Ordinance, and the public interest.
Applicant's Response: "The current neighborhood planning studies have recommended that the light industrial development along 8th Street be controlled and strict boundaries be established through buffering of the residential areas to the west. This proposal accomplishes the same."
 - b. The use or change in zoning requested in the zoning map of this Ordinance, for the establishment of commercial, industrial, or residential use shall be supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the application form and further described in Section 23.62.030.

Applicant's Response: "Yes".

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
RECOMMENDED BY xx DATE October 14, 1976
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
PLANNING COMMISSION _____
CITY COUNCIL AS INCORPORATED IN _____
xx _____
RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

John Cushing
JOHN CUSHING, Chairperson

FILE NUMBER R-76-53(P)
APPLICANT Overlake Oil, Inc.
PROPERTY LOCATION 680 10th. Ave.

SUBJECT Application for Rezone from RS 7,200 to Light Industrial
HEARING/MEETING DATE _____
BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application "B" Need Analysis "C" Area/Zoning Map
"D" Vicinity/Proposed Site Plan "E" Existing Features/Vegetation "F"
Proposed Site Plan "G" Cross Sections "H" East Bldg. Elev. "I" Survey
"J" Aerial Photos "K" Environmental Checklist "L" Prelim. LUP P. 293.

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Overlake Oil, Inc., for an "Intent to Rezone" request of Lots 9-10 and 56-57, Block 259 of the Supplemental Plat of Kirkland from a Residential Single Family 7,200 square feet minimum lot size to Light Industrial zoning. This rezone application is accompanied by an alley vacation application for the 5,056 of alleyway which abuts the aforementioned lots and the present location of Overlake Oil. (Refer to Exhibit "D" - Vicinity Map).
2. The general location of the property is 680 10th Ave. between 10th and 11th Avenues and the intersection of 8th Street. Through the rezone and alley vacation requests, the applicant proposes to construct a warehouse to the north of the existing structure, along with associated parking and screening. (Refer to Exhibit "D" - Site Plan).

B. HISTORICAL BACKGROUND:

3. The applicant did receive a waiver from the Kirkland City Council of Resolution No. 2249 as amended on June 21, 1976, for this application for rezone from Single Family Residential to Light Industrial.

C. GOVERNMENTAL COORDINATION:

4. Public Service Department. The Public Service Department has no objection to either the rezone or the alley vacation applications. We would permit landscaping within the right-of-way of 8th Street and if this is done would recommend that the applicant widen the pavement to match the improvements on the east side of the street. Also, a small landscaping strip (5 feet or less) could be permitted along the property within the 11th Avenue right-of-way, because this is undeveloped today.
5. Department of Fire Services. Water service required as per Ordinance.
6. Building Department. No comment.
7. Park Department. Recommend that the 25 foot landscaping area include 3 offset rows of Douglas Firs, 8-10' on center, with the most western and northern row being 8-10' in height, the others 6-7'.

Findings, Cont'd

G. 21. (2) (Cont'd)

dential area, and hence mitigate the "blighting" effects. Yet, at the same time, the boundary needs to be visually 'soft' in order to provide intermediate transition. The following standards are to provide for establishing a boundary between the uses as well as minimizing impacts associated with industrial development.

- (1) Certain zoning boundary changes are necessary to better clarify the land use definition between light industrial and residential areas.
The block between 7th and 8th Avenues is mostly developed as single family residential. Due to the established single family residential character of this area, these uses could remain. However, an option should exist that if the entire area can be developed as a unit light industrial may expand to the present zoning boundary. The buffer requirement would then apply on the boundary between the two uses. Also, access should be limited to 7th Avenue.

The Light Industrial zone boundary should be moved slightly westward on the block between 11th and 10th Avenues. At present this land is vacant and is part of the land owned to the west, zoned Light Industrial. This rezoning allows the property owner to make full use of his site under one use.

- (2) Industrial traffic should be controlled in order to protect the character, safety and peace of the residential neighborhood. Major industrial traffic should be prevented from passing through the residential area. Industrial traffic should focus on 8th Street. 8th Street should not be opened beyond its present point except for industrial access. There should be no access from 12th Avenue

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Findings, Cont'd

G. 21. (2) (Cont'd)

into the industrial area. 11th Avenue should remain closed, and 10th and 8th Avenues should be closed. 9th and 7th Avenues should remain open for industrial and emergency access.

- (3) Landscaping and vegetative buffering can provide important screening and transition between the light industrial and residential uses.
- (4) Industrial operations (for example, manufacturing, processing, storage, shipping/receiving, parking) must not be visible from nearby residential development. Landscaped setbacks, landscaped berms, fences, the spacial arrangement of structures, or some combination of these techniques must provide adequate buffering along residential boundaries.
- (5) Landscaping requirements must include provisions for maintenance.
- (6) The height of structures associated with industrial activities may not exceed 20 feet near the perimeter of the development. Taller structures (up to a maximum of 35 feet) may be permitted if there is additional setback and visual buffering to compensate for the added height and bulk.
- (7) Hours of industrial operation should be restricted on a case by case basis in order to maintain the residential character of nearby properties.
- (8) Industrial operations must not create excessive noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.
- (9) Special methods should be incorporated into the design of industrial development to control surface runoff. Methods could include reducing impervious surfaces and installing storm water retention systems with provisions for removal of oil, silt, or other debris from surface runoff.

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Findings, Cont'd

G. 19. c. An analysis of physiographic elements existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or treatment, and storm water control shall be prepared by the City Planning staff in conjunction with related City departments as an element of the administrative report referenced in Section 23.62.060.

Applicant's response: "None".

d. The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for the type of land classification for which he is applying.

Applicant's response: "Need Analysis:

Overlake Oil Company, Inc., as a jobber for the Shell Oil Company in the Kirkland area, has been informed by Shell that effective January 1, 1977 all packaged petroleum products (barrels and cases of oil) must be ordered in full truck quantities. Present warehouse space is minimal and is currently being utilized.

The existing building setbacks in the Light Industrial (LI) zone requiring 30 feet from 8th Street and 25 feet from the alley will allow only a building 45 feet deep to be constructed. Storage needs require a building with a minimum depth of 60 feet. To accommodate the needed building and meet the setback requirements, the applicant requests the rezoning of residential property directly west and separated from the currently LI zoned property by a 16 foot alley.

The applicant requests the RS7-2/LI zone line between 10th and 11th Avenues be relocated 68 feet west of the existing line. An application for alley vacation of the effected alley is being presented along with this rezoning petition. The rezoning and alley vacation will allow the construction of a 60'x105' foot warehouse in the existing LI zone and within the setback requirements. In the property to be rezoned, extra parking and landscaping is the extent of the planned improvements.

In order to buffer the residential area from the industrial uses, a 25 foot landscaped area is planned. This area will be planted with 6' - 7' Douglas Firs approximately 10 - 15 feet on center. To insure the buffers' existence, the applicant is proposing the dedication of its air rights to the City. With the City Nursery which lies directly south and across 10th Avenue from the site and this proposed buffer, a 500 foot long landscaped corridor will be established. The development of the buffer will also aid in implementing the preliminary plan recommendations of the Land Use Policy Plan Commission by establishing a permanent buffer which will reduce the unbuffered interface between the residential and industrial uses."

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Findings, Cont'd

G. 20. This application for an Intent to Rezone will be subject to these additional sections of the Kirkland Zoning Ordinance No. 2183:

- a. Light Industrial Zone requirements (Section 23.22)
- b. Parking requirements (Section 23.34, and
- c. Landscaping requirements (Section 23.40)

21. The following policies of the Emerging Land Use Policy Plan are relevant to this application:

- (1) Economic Activities Element - Policy 5: "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."
 - a. Conform to the policies in the Natural Elements Section.
 - b. Conform to the policies in the Public Service/Facilities section.
 - c. Regulate measurable environmental effects.
 - d. Provide buffers to minimize adverse environmental impacts.
 - e. Control the use of signs, and
 - f. Minimize visual impact.

(2) The following is a relevant section from the Market/Norkirk/Highlands Neighborhood Plan:

The only other concentration of economic activities in the Norkirk area exists along 8th Street near the railroad. This area is a mixture of small industrial developments, storage yards, and undeveloped land. In the past, industrial activities in this area have created conflicts with nearby single family residential areas to the west. The boundary between light industry and single family residential area should be designed so that the two adjacent uses are separate, yet complementary to the maximum extent possible. The boundary should be definite in order to allay residents' fears of industrial encroachment in their single family resi-

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Conclusions, Cont'd

6. 8. d. The applicant has provided evidence for need of this type of land classification for which he is applying.

9. The following conclusions are relevant in the discussion of how the applicant proposes to meet the conditions of the following sections of the Kirkland Zoning Ordinance No. 2183:

a. Light Industrial zone requirements. The proposed development plan as identified in Exhibits "D" and "F" generally conform to the Light Industrial Zone requirements, however, the proposed building is not located 30 feet from the unimproved right-of-way of 11th Avenue along the north property line. Therefore, the applicant will need to accomplish one of the following:

- (1) Option 1. Reduce the proposed warehouse size by approximately 5 feet to maintain minimum 30 foot setback off of 11th Avenue, or
- (2) Option 2. Apply for a variance to the Board of Adjustment for setback of 25 feet instead of 30 feet off of 11th Avenue.

b. Parking requirements. The proposed parking plan for the subject property generally conforms with the Kirkland Zoning Ordinance except that direct back-out parking such as provided in parking spaces 1 through 6 would not be permitted. The applicant could either relocate these 6 parking stalls to the west of the building, or provide for parking which is parallel with 8th Street and is landscaped to minimum City standards. This option would reduce the number of parking stalls in this area from 6 to 4.

c. Landscaping requirements. The applicant has generally proposed a landscaping plan which is consistent with the spirit and intent of both the City of Kirkland Zoning Ordinance and the emerging Land Use Policy Plan. Recommended modifications to the plan would include the following:

- (1) In the 25 foot landscaping buffer area along the westerly 68 feet of the subject property and along the westerly 25 feet of the subject property, there should be included 3 offset rows of Douglas Fir 8-10' on center with the western and northern row being 8-10 feet in height with the others 6-7 feet in height. This should be integrated amongst the existing vegetation.

- (2) The proposed 6 foot fence could be located on the western property line, however, it should be held back 5 feet from both 11th and 10th Avenues. If the applicant wishes to have the property in the existing LI zone and the subject property in this application fenced, then the Department of Community

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Conclusions, Cont'd

6. 9. c. (2) (Cont'd)

Development would recommend that site obscuring fence be placed 5 feet away from any abutting right-of-way, with one row of evergreen trees 6-7 feet in height placed 10.5 foot on center in front of this fence. This alternative would bring the landscaping around the existing warehouse into conformance with the City of Kirkland Zoning Ordinance.

- (3) If the applicant does not wish the subject property to be fenced on the northern property line, with the aforementioned recommendation, then the Department of Community Development would recommend that suggested alternative would be to provide substantial landscaping on the northern landscaped berm at the highest elevations possible and such landscaping may be 5 feet in the right-of-way of 11th Avenue and blended into the existing vegetation north of the subject property. Two rows of Douglas Fir, the most northerly being 8-10 feet in height, placed 8-10 feet on center, with the second row 6-7 feet in height, would be appropriate.

- (4) If the applicant so desires, the City of Kirkland would not object to the applicant landscaping into the right-of-way of 8th Street due to the fact that it is an 80 foot wide right-of-way provided that all parking areas adjoining 8th Street meet the minimum City requirements of both Section 23.34 and 23.40.

10. This application conforms with the spirit and intent of the Emerging Land Use Policy Plan and would tend to implement many of the concepts and recommendations of that document, provided however that the applicant includes a storm water retention system which would not decrease the quality or increase the quantity or velocity of water leaving the site from a 10-year storm.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "F", we hereby approve this application for an "Intent to Rezone" subject to the following conditions:

1. Prior to applying for a building permit, the applicant shall accomplish the following:
 - a. Modify the proposed building location by:

Option 1. Reduce the proposed warehouse size by approximately 5 feet to maintain minimum 30 foot setback off of 11th Ave., or

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CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is generally consistent with the spirit and intent of the Emerging Land Use Policy Plan, and with the Kirkland Zoning Ordinance regarding Intent to Rezone.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. GOVERNMENTAL COORDINATION:

2. Public Service Department/Department of Fire Services/Building Department/Park Department. Where applicable, recommendations from these Departments should be made conditions of approval for this application.

D. EXISTING PHYSICAL CHARACTERISTICS:

3. Topography/Soils/Geology. None of these aforementioned factors would constrain the Kirkland Planning Commission from reaching either a positive or a negative decision on this application.
4. Vegetation. Where applicable, existing vegetation should be integrated with required landscaping and kept to the maximum possible extent.

E. PUBLIC UTILITIES:

5. Streets/Sanitary Sewer/Domestic Water/Fire Hydrants/Storm Drainage/Pedestrian Ways. None of the aforementioned factors would constrain the Kirkland Planning Commission from making either a positive or negative decision on this application.

F. NEIGHBORHOOD CHARACTERISTICS:

6. Zoning. This application would modify the existing boundary line between the single family and light industrial zone and relocate it approximately 68 feet to the west. If this project is developed the way it is proposed, the applicant would be constructing the new warehouse in the old Light Industrial zoned section, and locating parking and landscaping buffer areas within this zoned area. This will provide a significant visual and physical barrier in between the two boundaries and will be a substantial improvement over the existing situation where the two zone boundaries abut each other and are only separated by a 16 foot undeveloped public alleyway.
7. Land Use. Development of the northern portion of the existing LI zone for a warehouse complex with the rezoned portion of the subject property to the west being used for parking and landscape buffering, would be a significant and substantial improvement to the neighborhood.

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Conclusions, Cont'd

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

8. The following discussion is applicable to the criteria to be used in the review of such an Intent to Rezone application: (Section 23.62.050).

- a. The existing land use classification for the subject property is Residential Single Family low density. In Resolution No. R-2249, the City Council refers to the existing City of Kirkland Land Use Plan as "null and void" and no longer useable in making decisions related to land uses.

The emerging Land Use Policy Plan which was published in preliminary form on September 3, 1976 indicates that this application would be consistent with the proposed Land Use Plan due to the following facts:

- (1) There is a need to locate a distinct boundary line between the Light Industrial Zone and Single Family area to the west. This is necessary to allay the homeowners' fears of encroachments by the Light Industrial uses and hence stabilize and upgrade the residential area. At the present time there is much concern over the variability of the zoning boundary in this area.
 - (2) Even though this action would enlarge a Light Industrial zone, through dedication of air rights above the landscaping buffer strip, it would set up a permanent zoning boundary along the western and northern edge of the subject property.
 - (3) This action would provide a minimum 25 foot landscaping buffer strip which would separate the residential and the light industrial uses at this point. There is little buffering in this whole area at the present time, and this would be a substantial improvement.
 - (4) This application would implement part of the proposal found in the Norkirk Neighborhood Plan which indicates the need for a separation between Single Family Residential and Light Industrial uses by setting up a definite boundary and buffer zone between these areas.
- b. The applicant has submitted architectural and site plans showing the proposed development and its relationship to the surrounding areas. This relationship has been mentioned in a number of the foregoing sections.
- c. For an analysis of the physiographic elements, and existing public utilities, refer to the Findings and Conclusions Section of both Existing Physical Characteristics and Public Utilities Section of this Advisory Report.

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CITY OF KIRKLAND
Department of Community Development

APPLICATION FOR CHANGE IN ZONE CLASSIFICATION

NOTE: BEFORE PREPARING THIS APPLICATION, PLEASE READ INFORMATION ON COVER PAGE OF THIS FORM.

Name of Applicant: OVERLAKE OIL COMPANY, Inc. Phone: 822-1776

Company: Overlake Oil Company

Mailing Address: P.O. Box 506 City: Kirkland zip: 98033

Present Zoning: RS-7.2 Requested Zoning: L1

General Location (Address if available): 680 - 10th Avenue

Approx. Acreage (sq. ft. if less than one acre): 17,408 SF

Legal Description: Lots 9-10 & 56-57, Block 229 of supplementary plat to Kirkland according to the plat thereof recorded in Volume

8 of Flats, page 5, records of King County, Washington

1. Is the change in zoning requested in conformity with the adopted comprehensive plan, the provisions of the zoning ordinance and the public interest? If yes, indicate how so; if no, indicate how this request is justifiable.

The current neighborhood planning studies have recommended that the light industrial development along 8th Street be controlled and strict boundaries be established through buffering of the residential areas to the west. This proposal accomplishes the same.

2. Is the use or change in zoning requested in the zoning map of the zoning ordinance, for the establishment of commercial, industrial, or residential uses, supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the cover sheet of this application and Section 23.62.030 of the Kirkland Zoning Code?

Yes
EXHIBIT "A"
APPLICATION
R-76-53(P)
Overlake Oil, Inc.

3. Prior to this application being heard by the Planning Commission, an analysis of the physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or treatment, and storm water control shall be prepared by the City Planning Staff in conjunction with related City Departments as an element of the administrative report.

4. The applicant must provide further evidence to the Planning Commission's satisfaction that there is an additional need for this type of land classification for which he is applying.

A F F I D A V I T

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

I, [Signature], 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.

[Signature]
(Owner)

(Owner)

Phone: 822-1776 982-18th Ave Ste Kirkland WA
(Mailing Address)

Subscribed and sworn to before me this 12 day of August, 19 76

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

Recommendations, Cont'd

Option 2. Apply for a variance to the Board of Adjustment for setback of 25 feet instead of 30 feet off of 11th Ave.

- b. Modify the proposed parking plan to either relocate parking stalls 1-6 to the west of the building, or provide for parking which is parallel with 8th St. and is landscaped to minimum City standards. The latter option would reduce the number of parking stalls in this front setback area from 6 to 4.
 - c. Modify the proposed landscaping plan to include the following:
 - (1) In the 25 foot landscaping buffer area along the westerly 68 feet of the subject property and along the westerly 25 feet of the subject property, there should be included 3 offset rows of Douglas Fir 8-10 feet on center with the western and northern row being 8 to 10 feet in height with the others 6 to 7 feet in height. This should be integrated among the existing vegetation.
 - (2) The proposed 6 foot fence to be located on the western property line shall be held back 5 feet from both 11th and 10th Avenues. If the applicant wishes to have the developed property in the existing LI zone and the subject property in this application fenced, then a site obscuring fence shall be placed 5 feet away from any abutting right-of-way, with one row of evergreen trees 6 to 7 feet in height placed 10 to 15 feet on center in front of this fence. This would bring the landscaping around the existing warehouse into conformance with the City of Kirkland Zoning Ordinance.
 - (3) If the applicant does not wish the subject property to be fenced on the northern property line, with the aforementioned recommendation, then the alternative would be to provide a substantial landscaping buffer on the northern landscaped berm at the highest elevations possible and such landscaping may be 5 feet in the right-of-way of 11th Avenue and blended into the existing vegetation north of the subject property. Two rows of Douglas Fir, the most northerly being 8 to 10 feet in height, placed 8 to 10 feet on center, with the second row 6 to 7 feet in height, would be appropriate.
 - (4) If the applicant desires, the City of Kirkland would not object to the applicant landscaping into the right-of-way of 8th Street due to the fact that it is an 80 foot wide right-of-way, provided that all parking areas adjoining 8th Street meet the minimum City zoning requirements of both Sections 23.34 and 23.40.
2. In applying for a building permit, the applicant shall also submit a design and calculations for a storm water retention system which will not decrease the quality or increase the quantity or velocity of water leaving the site from a 10 year storm.

Recommendations, Cont'd

3. Prior to obtaining a building permit for the subject property, the applicant shall record with the King County Department of Records and Elections an open space easement and with an attached drawing indicating the required 25' buffer strip along the west and north property line. A copy of the recording shall be filed with the Department of Community Development prior to obtaining a building permit. The open space easement shall be similar to the following:

" of the real estate described below and made a part hereof, does hereby certify, establish, and declare that the air space and view above the privately owned open space are hereby dedicated to the City of Kirkland for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow plants, shrubs or trees, and subject to the right of the owner, his heirs, successors or assigns, to enter upon said premises to install utilities and appurtenances in said open space, to maintain the same, to construct, improve, maintain pathways, benches, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as privately owned open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention and stability, or any other use normally associated with privately owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public."