

RESOLUTION NO. R-2436

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-77-20(P) BY JAMES R. LANDWEER TO LOCATE AN AUTOMOBILE TRANSMISSION REPAIR SHOP IN THE CENTRAL BUSINESS DISTRICT, BEING WITHIN THE CENTRAL BUSINESS DISTRICT 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 James Landweer the owner of said property described in said application and located within a Central Business District zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of May 12, 1977, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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-77-20(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 6th day of June, 1977.



Mayor

ATTEST:

Director of Administration and Finance
(ex officio City Clerk)

Findings, Cont'd

- D. 7. (Cont'd)
to its full width from 5th Street to a point approximately 300 feet to the east (Puget Power sub-station property).
8. Sewer. There is an 8" sewer line located in the right-of-way along 5th Street. There is an additional 8" sewer line located along 6th Street, approximately 100 feet to the east of the subject property. The sewer system in this neighborhood could adequately serve the proposed property.
9. Water. There are 8" water lines located on both 5th Street and 6th Street, which is adequate to serve the subject property.
10. Storm Drainage. There is an existing storm drainage system located in the alley from which the applicant would serve the subject property.
11. Pedestrian Paths, and Trails. There are no existing sidewalks along this portion of 5th Street. However, the emerging Land Use Policies Plan does not indicate the need for a pedestrian way along 5th St. in this area.

E. NEIGHBORHOOD CHARACTERISTICS:

12. Zoning. The subject property is currently zoned Central Business District, as are all properties to the south and southwest of the site. The properties to the northwest of the subject property are zoned Multi-Family Residential (RM-1800) with Residential Single Family (RS 7.2) zoning occurring to the north of the site. To the northeast of the site is additional Central Business District zoning.
13. Land Use. There is presently a 1980 square foot building located on the subject property. Most of the remainder of the property has been asphalted. Much of the site is used for parking by the Central Building, which is located immediately south of the subject property.
- Although there has been some single family residential development occurring to the north of the subject property, most of those properties to the north of the site are currently undeveloped. Surrounding the site from the southwest to the southeast are a number of commercial uses. A large number of these uses are automobile oriented, and include a tire store and service station. Other neighboring uses include the Central Building, Athens Pizza, and the Puget Power sub-station.

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

14. As indicated in Section 23.56.080, the Kirkland Planning Commission shall consider the following three criteria in their review of a Conditional Use Permit application.

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Findings, Cont'd

- F. 14. a. The use or modification requested by the Conditional Use Permit shall be within the intent of this Ordinance, and in the public interest.
- Applicant's Response: "This CUP is to permit an automotive transmission service shop to operate under the name of "Kirkland Transmission" within an existing building located on the above described property. This proposed business is accepted as a conditional use under the present land use planning study."
- b. The use or modification requested by the Conditional Use Permit for the operation of a permitted business in a residential zone will not do damage to adjacent residential property by decreasing property values, creating excessive noises, or creating other nuisances; the applicant for a CUP in any zone, for any business use, shall also provide the Planning Commission with an economic 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.
- Applicant's Response: "The proposed use is complementary to existing businesses (gas stations, car washes, automotive parts stores, tire stores) which are presently operating in the identical area with identical zoning. This CUP will permit the improving of the interior of an existing structure from storage facility to service usage, in turn providing service to the community in increased economic benefits."
- c. The use or modification requested by this application for the continuation or enlargement of a non-conforming use 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.
- Applicant's Response: "This CUP will have no effect on the exterior of the subject building and/or any of the surrounding or adjacent areas. It is solely to permit an automotive transmission service shop to operate in a facility presently used as a boat and trailer storage area under an Occupancy Permit issued on February 26, 1975."

15. As indicated in Section 23.40.060 of the Kirkland Zoning Ordinance No. 2183, all commercial zones which abut residential zones shall landscape at least 10% of all required open space with grass, flowers, or shrubs and all open off-street parking or loading areas which are located adjacent to the boundary of an "R" zone, shall be screened from all adjoining lots in the "R" zones, by either:

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4/26/77



DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
 RECOMMENDED BY _____ DATE May 12, 1977
 ADOPTED BY _____ DATE _____
 STAFF _____
 BOARD OF ADJUSTMENT _____
 HOUGHTON COMMUNITY COUNCIL _____
 PLANNING COMMISSION _____
 CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____
 NUMBER _____
 DATE _____
 FILE NUMBER CUP-77-20(P)
 APPLICANT JAMES LANDWEER
 PROPERTY LOCATION 5th St. and Central Way
 SUBJECT Application for Conditional Use Permit for transmission repair shop in Central Business District zone.
 HEARING/MEETING DATE June 6, 1977
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit by James R. Landweer, the present property owner, to locate an auto-mobile transmission repair shop in the Central Business District. The subject property is located between 5th and 6th Streets, south of 6th Avenue. (Refer to Exhibit "B" - Vicinity Map).
2. The applicant proposes to locate a transmission repair service in a building which contains 1980 sq. ft. which presently exists on the subject property. (Refer to Exhibit "C" - Site Plan).
3. Approval of this application will constitute a "major action" under the provisions of RCW 43.21C and WAC 197-10. The applicant submitted an Environmental Checklist with the application. After reviewing the Environmental Checklist, the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality of the environment in that an Environmental Impact Statement is not required (On March 28, 1977). After the elapse of 15 days following the threshold determination and after reviewing comments submitted by interested parties, the Director of the Department of Community Development, on April 12, 1977, adopted the proposed Declaration as a final Declaration of Non-Significance.

B. HISTORICAL BACKGROUND: (Not applicable).

C. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. The majority of the subject property is relatively flat, with a slope of approximately 2% to the north and northeast of the building, there is an embankment with a slope of approximately 50%.
5. Soils/Geology. Local soil mapping indicates the subject property to be located within an Alderwood Gravelly Sandy Loam (AgC) classification.
 Local geologic mapping indicates the subject property to be located within a Vashon Till (Qt) unit.
6. Vegetation. Other than the weeds which have grown up around the base of the existing building and on the embankment along the north property line, there is no existing vegetation on site. The applicant proposes no additional landscaping with this application.

D. PUBLIC UTILITIES:

7. Streets/Access. The subject property is adjacent to both 5th Street and 6th Avenue. 5th Street is improved to approximately 50 feet of its 60 foot City right-of-way. 6th Avenue is opened but not improved. The applicant proposes to access the site through an existing alley connecting to 5th Street. The alley is a 15 foot wide City right-of-way, and is asphalted

Conclusions, Cont'd

F. 10. Performance Standards. Should this application be approved, the proposed use should be required to conform to all applicable performance standards found in Chapter 23.36 of the Kirkland Zoning Ordinance. Should the proposed use violate any provision of this Chapter at some time in the future, the use shall be terminated or brought into compliance with the provisions of this Chapter.

RECOMMENDATIONS:

Based on the foregoing Findings and Conclusions and Exhibits "A" through "C", we hereby recommend approval of this application for a Conditional Use Permit subject to the following conditions:

1. Prior to the issuance of a Certificate of Occupancy for the proposed use, the applicant shall submit to the Kirkland Department of Community Development for their review and approval a detailed landscape plan as per Section 23.40.053 of the Kirkland Zoning Ordinance. Primary emphasis on screen landscaping shall be toward 6th Avenue and the potential future residential uses to the north.
2. The proposed use shall comply with all applicable Performance Standards found in Chapter 23.36 of the Kirkland Zoning Ordinance No. 2183. Should the use, at some time in the future, be determined to violate the provisions of this Chapter, such use shall be abated or brought into compliance with this Chapter.
3. All access to the proposed use shall be from the western end of the alley located between 5th Street and 6th Avenue.

APPLICATION FOR A CONDITIONAL USE PERMIT

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

Name of Applicant James R. Landwehr Phone 822-2275
 Company Name The Central Building
 Mailing Address 526 Central Way City Kirkland Zip 98033

The undersigned applicant(s) is(are) the owners of the property described as follows: Lots 1 thru 11 inclusive, Block 97, Kirkland Terrace, according to Plats thereof as recorded in Volume 21, of Plats, Page 42 recorded of King County.

The above property was acquired by the applicant on the 15th day of February, 19 74. The present zoning is C80

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: This CUP is to permit an automotive transmission service shop to operate under the name of "Kirkland Transmission" within an existing building located on the above described property. This proposed business is accepted as a conditional use under the present land use planning study.

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 p:
 CUP-77-20(P)
 James Landwehr

5/12/77
 4/26/77

Conclusions, Cont'd

- D. 6. Sewers/Water/Storm Drainage. The existing sewer, water, and storm drainage systems are adequate to serve the proposed use.
- E. NEIGHBORHOOD CHARACTERISTICS:
7. Zoning/Land Use. The use proposed with this application appears to be compatible with neighboring zoning classifications and land uses, provided that the Performance Standards mentioned in Finding F.16. of this Advisory Report are satisfied.
- F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
8. Pursuant to the criteria for review of Conditional Use Permit applications, it is the Department of Community Development's position that:
- This application for a Conditional Use Permit is within the intent of the Kirkland Zoning Ordinance. The use proposed would appear to be complementary to other automobile oriented facilities in the general neighborhood. The proposed use will be within the public interest if the Performance Standards indicated in Finding F.16. of this Advisory Report are met.
 - Not applicable.
 - This application is not for the continuation or enlargement of a non-conforming use. However, it is the Department of Community Development's position that certain site improvements will be necessary with occupancy of the building by the prospective tenant. Said site improvements are indicated in Conclusion F.9. below.
 - Should this application for a Conditional Use Permit be approved, the Department of Community Development would recommend that the applicant be required to submit to the Department of Community Development for their review and approval a detailed landscape plan to satisfy the landscaping requirements of the Kirkland Zoning Ordinance (Chapter 23.40).

Findings, Cont'd

- F. 15. a. A strip at least 4 feet wide, densely planted with shrubs or trees at least 4 feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen within 5 years, measured with reference to the elevation of the parking or loading area, or
- b. A wall or barrier or uniformly finished fence at least 6 feet high, but not more than 8 feet above finished grade.

As indicated in Section 23.40.040 of the Kirkland Zoning Ordinance No. 2183, all off-street parking areas provided in a Central Business District zone shall be screened from view from adjoining properties by either of the alternatives listed in 15.a. and b. above.

16. This application shall be subject to the following sections of the Kirkland Zoning Ordinance No. 2183:
- Parking Section 25.34
 - Performance Standards 23.36, and
 - Landscaping Section, 23.40.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION

- This application is generally consistent with the spirit and intent of the Kirkland Zoning Ordinance.

B. HISTORICAL BACKGROUND: (Not applicable).

C. EXISTING PHYSICAL CHARACTERISTICS:

- Topography/Soils/Geology: None of these factors should constrain the Kirkland Planning Commission from making either a positive or negative decision on this application.

- Vegetation. (Refer to Conclusion F.9 of this Advisory Report.)

D. PUBLIC UTILITIES:

- Streets/Access. The Kirkland Public Service Department has indicated that, because the applicant proposes to access the subject property from the alley connecting to 5th Street, and because this access is currently improved with an asphalt surface, no additional improvements will be necessary at this time.
- Pedestrian Paths and Trails. Due to the fact that the applicant proposes no new buildings to be located on the subject property, and because the emerging Land Use Policies Plan does not indicate the need for a sidewalk along adjacent streets, the Department of Community Development and the Public Service Department would not recommend the installation of sidewalks with this application.