

RESOLUTION NO. R-2477

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-77-89(P), BY CORNELIS HOEK TO PERMIT A PROFESSIONAL OFFICE USE IN AN EXISTING STRUCTURE BEING WITHIN A PLANNED AREA 5 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 by Cornelis Hoek, the owner of said property described in said application and located at 609 5th Avenue within a Planned Area 5 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of November 10, 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-77-89(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:

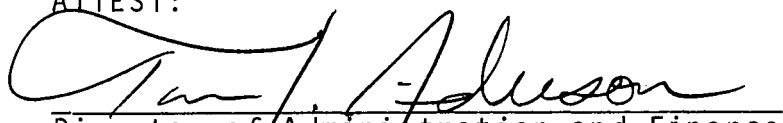
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 21st day of November , 1977.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

R-2477

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Horeco, Inc. for a Conditional Use Permit to allow a professional office in Planned Area 5.
2. The address of the subject property is 609 5th Avenue.
3. The business proposed for occupation of the subject property involves the following:
 - a. Engineering, design and drafting,
 - b. Sale of Systems (the supply and installation to take place at the customer's premises),
 - c. Receiving of service calls and dispatching of mechanics,
 - d. Service trucks (panel trucks) would occasionally be present on the subject property.
 - e. Accounting,
 - f. Storage. Most parts and tools would be carried in the service vehicle, but certain uncommon tools and parts are proposed to be stored on the subject property. This storage would occupy a space of approximately 300 square feet.
4. The applicant proposed to remodel the inside of the existing building as well as paint the outside and change building lines.

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. The slope of the subject property varies between 0% and, at the creek at the rear of the property, 30%.
6. Soils. The surficial soil located on the subject property would appear to generally consist of Indianola Loamy Fine Sand, while the underlying geologic unit appears to be Vashon Till.
7. A grassy lawn and a few deciduous trees comprise the principal vegetation on the site.

D. PUBLIC UTILITIES:

8. Streets. Ingress and egress of the site would be off of 5th Avenue. 5th Avenue has an open ditch drainage system, and there are no sidewalks or trails along that street.
9. Domestic Water. There is an existing 2 inch waterline within the right-of-way of 5th Avenue.
10. Sanitary Sewers. The subject property is currently serviced by septic tank.

11/10/77

11/1/77 eb

R-2477

Statements of Fact, Continued

E. NEIGHBORHOOD CHARACTERISTICS:

11. Zoning. The zoning of the subject property and the surrounding property to the west, east and south is Planned Area 5.
12. Land Use. The subject property is currently occupied by Edie's Juntiques. North of the subject property is the Central Way fill. Single family residences are scattered to the east, south, and west of the subject property.

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

13. Professional offices within Planned Area 5 require either a Planned Unit Development or a Conditional Use Permit.
14. The definition of a professional office in the Zoning Ordinance is as follows:

"Professional Offices. Office maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors and dentists (but wherein no overnight care for patients is given), and by engineers, attorneys, realtors, architects, accountants and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in skill or manual dexterity or the handling of commodities."

15. The definition of an office as found in the Land Use Policies Plan is as follows:

"(Large or Small) Office -- a place of employment used for business activities other than production, storage, wholesale or retail sales."

Also, with respect to access and utilities, it should be noted that wording for Planned Area 5 makes statements about the need for the coordinated planning and development of same. The reference appears on page 227 of the Plan:

"Present access and utilities cannot support intensification of Land Use in the area. New development shall occur only after adequate utilities are provided and internal access is opened via the NE 84th Street right-of-way."

16. No parking shall be allowed in required yards, provided, however, that this restriction may be modified by the Planning Department under the following conditions:
 - a. Perimeter landscaping may be proposed subject to the minimum requirements of Section 23.40.060(1).
 - b. Maintenance and visibility at intersections shall be complied with.
 - c. The landscaping alternative provided herein shall

11/10/77

11/1/77 eb

Statements of Fact, Continued

- F. 16. c. demonstrate a superior solution to more restrictive setbacks in terms of additional amenities, and overall aesthetic qualities. The Planning Department, in applying this alternative, may modify to a greater or lesser extent the strict provisions of Section 23.40.060(1) in approving the landscaping plan which meets the objectives herein stated. (Section 23.34.100).
17. Section 23.40.060(1) of the Zoning Ordinance reads as follows: 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 the type which may be expected to form a year-round dense screen within 3 years, measured with reference to the elevation of the parking or loading area.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. The proposed use of the subject property as a professional office appears to be consistent with the Kirkland Zoning Ordinance and the Land Use Policies Plan.

B. HISTORICAL BACKGROUND: (No conclusions)

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/Soils/Geology/Vegetation. None of these existing physical characteristics would appear to constrain development of this project as proposed or a decision on this Conditional Use Permit.

D. PUBLIC UTILITIES:

3. Streets/Domestic Water/Fire Hydrants/Sanitary Sewers. There does not appear to be any existing physical utilities which would constrain this development or restrict the decision on this Conditional Use Permit.

E. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning. The zoning of the subject property and adjacent properties would appear to be compatible with a professional office.
5. Land Use. A professional office use on the subject property would not appear to be incompatible with the existing uses on adjacent properties.
6. Land Use Policies Plan. The proposal for a professional office use appears to be consistent with the comprehensive plan for this area.

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

11/10/77
11/1/77 eb

Conclusions, Continued

- F. 7. Pursuant to the definition of office and professional office as given above, refer to the following:
- a. Aspects of the applicant's business (e.g. engineering, design and drafting; accounting) appear to be of a nature appropriate for a professional office.
 - b. Aspects of the applicant's business (e.g. sale of systems; storage) may not be of a nature suitable for a professional office.
8. If this application is approved, the applicant should provide 4 feet of landscaping between the parking area and the northern property line.
9. The proposed use, in and of itself, does not appear to constitute a significant 'intensification of Land Use in the area'. Utility demands for this use will be no greater than the past commercial use. There will most likely be a moderately greater access demand associated with the proposed use. Accordingly, it does not seem necessary or reasonable to predicate the approval of this application upon the achievement of the long range access and utility goals for the area.

However, it would be appropriate to place the proponent on notice concerning future area needs and the necessity for coordinated planning and improvement. To this end, the applicant should be required to enter into an agreement with the City to the effect that he will not oppose future private/public efforts to design, develop and assess for the above mentioned improvements.

RECOMMENDATIONS:

Based upon the foregoing Statements of Fact, Conclusions, and Exhibits "A" through "C", we hereby recommend that this application for a Conditional Use Permit be approved subject to the following conditions.

1. No commodities intended for on-site retail sale to customers shall be shipped, received, or stored on the subject property. No servicing of vehicles or outside storage of materials shall be permitted.
2. No assembly of items to be sold shall occur on the subject property.
3. The applicant shall provide 4 feet of sight obscuring landscaping between the parking area and the northern property line.
4. Prior to issuance of an occupancy permit, the applicant shall notarize and record with the King County Department of Records and Elections and return to the Department of Community Development one copy of the following "Agreement Relating to Future Public Improvements":

THE UNDERSIGNED acknowledges that he has made application to the City of Kirkland for development permit (City of Kirkland File

11/10/77

11/1/77 eb

Recommendations, Continued

No. CUP-77-89(P)) hereinafter identified property for a proposed development which alone, or in conjunction with existing and/or future developments, will require additional public improvements and/or services, and that such additional public improvements will benefit said real property.

THE UNDERSIGNED further acknowledges and agrees that the City could, under the circumstances, require as a discretionary condition of approval of said development permit, the present construction or contribution toward construction by the undersigned of the following specific public improvements:

the widening and improvement of N.E. 84th Street in its present right-of-way or a new alignment between 6th Street South and 112th Avenue N.E. up to a maximum width of 60 feet to serve the interior of the Planned Area, together with the installation, either in that same right-of-way or elsewhere, of adequate storm drainage, sewer, and water facilities to service the area; all to be accomplished in accordance with City standards for such improvements.

THE UNDERSIGNED further acknowledges that said discretionary conditions have not presently been imposed, and that in lieu thereof, the undersigned does hereby agree and covenant with the City of Kirkland that at such time in the future as such public improvements or additions to existing public improvements are by the City determined to be needed and ordered by the City to be constructed, either by creation of local improvement district or any other method wherein all or a portion of the cost of the improvement will be paid by the benefited property owners, he will not oppose the ordered improvement nor the creation of such local improvement district.

IN THE EVENT such public improvements should be ordered by the City pursuant to the creation of a local improvement district or a utility local improvement district, the undersigned further agrees to defend and save harmless the City of Kirkland as to any loss, damage or delay suffered by the City as a result of any protest filed by or on behalf of the then owner of the real property described below.

NOTHING HEREIN shall be considered as in any way limiting the authority of the City to determine the necessity for public improvements nor the manner or method of providing for the cost of construction of same.

NOTHING HEREIN shall be considered as limiting the right of the undersigned, pursuant to the provisions and procedures of RCW 35.44.080, to object to the amount of any assessment then proposed to be levied against such real property.

11/10/77

11/1/77 eb

R-2477

Recommendations, Continued

THE REAL PROPERTY for which development permit has been applied is situate in Kirkland, King County, Washington, and specifically described as: the north 144 feet of lots 3 and 4 of Marshall's Addition, also known as 609 Fifth Avenue, Kirkland.

DATED at Kirkland, Washington, this day of ,
1977.

DEVELOPMENT PERMIT APPLICANT

CITY OF KIRKLAND

BY: _____

5. Applicant shall be required to abandon the primary vehicular access from 5th Avenue if and when a safe and reasonable access is made available to an improved NE 84th Street.