

RESOLUTION NO. R-2493

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AND UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-UUP-77-53(P), BY LEROY JOHNSON TO EXTEND AN AUTOMOTIVE SALES ESTABLISHMENT BEING WITHIN AN RS 35,000 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH INTENT TO REZONE AND UNCLASSIFIED USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent to Rezone and Unclassified Use Permit filed by Leroy Johnson, the owner of said property described in said application and located within an RS 35,000 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meetings of November 10, 1977 and January 12, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-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 hearings 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 Intent to Rezone and Unclassified 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. R-UUP-77-53(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified 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. The City Council further approves in principal, the request for reclassification from RS 35,000 to BC and pursuant to Chapter 23.62 of

Ordinance No. 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 and Unclassified 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 Intent to Rezone and Unclassified Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone and Unclassified Use Permit is subject shall be grounds for revocation in accordance with Sections 23.30.100 and 23.62.070, respectively, 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 March, 1978.



 Mayor

ATTEST:



 Director of Administration and Finance
 (ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE January 12, 1978

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Robin Mullis
Acting Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER R-UUP-77-53(P)

APPLICANT LEROY M. JOHNSON

PROPERTY LOCATION N.E. 85th St. and 120th Ave. N.E.

SUBJECT Application for Rezone and Unclassified Use Permit

HEARING/MEETING DATE February 6, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application for R-zone "B" Application for UUP
"C" Vicinity Map "D" Site-Plan "E" Parking Access Plan

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Resolution of Intent to Rezone that property described as lots 3, 4, 5 and 17 minus the east 90 feet of lot 17, Block 2, Burke and Farrar's Kirkland Addition, Division No. 6, and is also an application for an Unclassified Use Permit to locate an automobile storage lot on lots 6 and 7 minus the south 63 feet of the west 125 feet of lot 7, Block 2, Burke and Farrar's Kirkland Addition, Division No. 6.
2. The applicant requests a change in zoning on Lots 3, 4, 5 and the west portion of Lot 17 from Residential Single Family, 35,000 square feet minimum lot area to Community Business.
3. The applicant proposes to use the 6 lots involved in these two applications for the storage of operable automobiles. A small amount of employee parking may occur on the subject property. The applicant proposes no additional permanent paving though gravel in some areas is proposed to be placed in winter if the need arises.

The applicant proposes 25 foot wide landscaped buffers consisting of two rows of 6 to 8 foot high conifers planted 15 feet on center as well as 6 foot high slatted chain link fencing on the east side of the western portion of Lot 17 and on the south side of the eastern portion of Lot 7. Along the south property line of the west 210 feet of Lot 17, along the east property lines of Lots 5, 6, and 7, along a line separating the west 125 feet of Lots 6 and 7 from the east 175 feet of those lots excepting the north approximately 31 feet of that line where a building exists, along the west 125 feet of the south property line of lot 5 excepting the east approximately 17 feet of that west 125 feet where a building exists, and along the south 47 feet of the west property line of lot 5 the applicant proposes a 6 foot high chain link fence. Along the northeast-southwest trending west side property lines of lots 4 and 5 the applicant proposes 3 to 4 foot high laurels placed 4 feet on center.

The applicant proposes to remove an existing building on lot 6.

4. The subject property is located east of Interstate 405, south of N.E. 85th, west of 120th Avenue N.E., and north of N.E. 80th Street.
5. 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 this application. After reviewing the environmental checklist, the Director of the Department of Community Development made a threshold determination that approval of this application

Statements of Fact, Cont'd

E. NEIGHBORHOOD CHARACTERISTICS:

13. Zoning. The subject property is presently zoned RS 35,000. Properties to the southeast, south, and southwest are similarly zoned RS 35,000. Property to the north is zoned BC. Property to the east is within King County.
14. Land Use. The eastern portion of lot 3 is paved and cars are currently parked on the paving. Automobiles are also parked on lot 4, the north half of lot 5, and the west portion of lot 17. The west portion of lot 6 currently contains a single family residence. Outbuildings and sheds exist on lots 7, 6, 5, and 4. The property to the north of the subject property is currently occupied by the applicant's auto dealership. The property to the east, across 120th Avenue NE, is currently occupied by single family residences. In addition, there are single family residences just to the south of lot 17, on the southwest portion lot 7, and on the west and east side of 118th Avenue NE farther south. A large parcel of property to the west of 120th Avenue NE and to the east and southeast of lots 6 and 7 is currently vacant and heavily wooded. Northwest and west of the subject property is Interstate 405.

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

15. Pursuant to the Kirkland Planning Commission and the City Council review of the request for amendment to the Zoning Map, the following criteria shall be used for the review of such an Intent to Rezone application: (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: "Yes. This area lies within the freeway interchange district."

- b. "The use of change in zoning requested in the zoning map of the Zoning Ordinance, for the establishment of commercial, industrial or residential use shall be supported by an architectural site plan showing the proposed development in its relationship to the surrounding area as set forth in application form and further described under Section 23.62.030.

Applicant's Response: "No."

- 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 the related City Departments as an element of the administrative report."

Applicant's Response: None.

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Statements of Fact, Cont'd

A. 5. (Cont'd)

will not have a significant adverse impact upon the quality of the environment and that an environmental impact statement is not required (on October 14, 1977). After the lapse of fifteen days following the threshold determination and after reviewing comments submitted by the interested parties, the Director of the Department of Community Development adopted the proposed declaration as a Final Declaration of Non-Significance on October 29, 1977.

B. HISTORICAL BACKGROUND:

6. On November 10, 1977, the Planning Commission continued this application. The Planning Commission felt that more information regarding the proposed landscaping and the locations in which vehicles would be parked was necessary before the Commission could reach a decision. The Commission indicated that a rezone of lot 3 would be reasonable, however there was uncertainty as to how far south of the north property lines of lots 4 and 17 BC zoning should extend as well as uncertainty as to the amount of buffering which should be required.

C. EXISTING PHYSICAL CHARACTERISTICS:

7. Topography. The subject property slopes gradually down from south to north.
8. Soils/Geology. The generalized soils map shows the subject property to be an Alderwood soil, whereas generalized geologic mapping of the subject property locates it within an area of Vashon Till.
9. Vegetation. Existing vegetation on the subject property consists of various evergreen and deciduous trees plus some shrubs and field grasses.

D. PUBLIC UTILITIES

10. Traffic/Access. The applicant proposes to obtain access from the auto dealership to the north. The applicant proposes no access from the north end of 118th Avenue N.E.
11. Sanitary Sewer/Septic Tank. There is an existing septic tank drainfield on the western portion of Lot 17.
12. Domestic Water/Fire Hydrants. (Not applicable)

Statements of Fact, Cont'd

- F. 15. d. "The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for this type of land classification for which he is applying."

Applicant's Response: None.

16. This application for an Intent to Rezone will be subject to the following additional sections of the Kirkland Planning Ordinance No. 2183:

- a. Community Business Zone Requirements (Section 23.18)
- b. Landscaping Requirements (Section 23.40)

17. The following are appropriate policies and policy discussions from the Land Use Policies Plan and are relevant to this application:

Living Environment, NE 85th interchange area (refer to page 261)

The Evolution and Organization of the Land Use Policies Plan (refer to page 10). The relevant portions of this section are as follows: "3) The enclosed mapping is as accurate as possible considering the scale of the base maps....These maps are to be considered a visual interpretation of the goals, policies, and neighborhood plan narratives. The mapping boundaries are generally considered as the interpretation of policy. However, minor modifications may be necessary as a result of further analysis."

18. Pursuant to reviewing the Unclassified Use Permit, the Kirkland Planning Commission should be guided by the following standards and provisions regarding Unclassified Use Permits (Section 23.30.080).

- a. The use requested by the Unclassified Use Permit shall be within the intent of the Zoning Ordinance, the Comprehensive Plan, and the public interest.
- b. The use reflected by the Unclassified Use Permit shall demonstrate that it is consistent with the performance standards of Section 23.36 the Zoning Ordinance.
- c. The use requested by the Unclassified Use Permit shall be made on the basis of site plans submitted.

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CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application requesting a rezone to Community Business on lots 3, 4, 5 and the western portion of lot 17 is consistent with the requirement of the "Intent to Rezone" Provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62, but is not wholly consistent with the Land Use Policies Plan.
2. The proposed use of lots 6 and 7 for an automobile storage area appears to be inconsistent with the intent of the Kirkland Zoning Ordinance No. 2183 and the Land Use Policies Plan..

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. EXISTING PHYSICAL CHARACTERISTICS:

3. Topography/Soils/Geology/Vegetation. None of the aforementioned factors should constrain the Kirkland City Council from reaching either a positive or negative decision on this application. Where applicable, existing vegetation should be maintained to the maximum extent possible.

D. PUBLIC UTILITIES:

4. Traffic/Access. The only access to the subject property should be from the west side of the auto dealership to the north.
5. Sanitary Sewer/Septic Tank/Domestic Water/Fire Hydrants. None of the aforementioned factors should constrain the Kirkland City Council from reaching either a positive or negative decision on this application.

E. NEIGHBORHOOD CHARACTERISTICS:

6. Zoning/Land Use. Development of this property as an automobile storage area would not appear to be wholly consistent with the intent of the Kirkland Zoning Ordinance No. 2183 and the Land Use Policies Plan.

Conclusions, Continued

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

7. The following discussion is applicable to the criteria used in the review of a Resolution of Intent to Rezone application (Section 23.62.050).
 - a. This application is not wholly consistent with the Land Use Policies Plan regarding Community Business zoning. Specifically, it would appear that a change in zoning to Community Business on lots 3, 4 and the western portion of lot 17 would be consistent with the Land Use Policies Plan. However, a change in zoning to Community Business on lot 5 would be inconsistent with the Land Use Policies Plan.
 - b. The applicant has submitted a site plan, survey, and landscaping plans to support this application. These plans are discussed in the following conclusions.
8. The following comments are relevant to the discussion of this "Intent to Rezone" application for the following sections of the Kirkland Zoning Ordinance No. 2183:
 - a. Community Business Zone Requirements: The proposed site plan generally conforms to the existing Community Business zone requirements.
 - b. Landscaping Requirements. The applicant should be required to landscape the subject property in a manner consistent with the Kirkland Zoning Ordinance, Section 23.40.060.
9. Pursuant to Section 23.30.080 and review of this Unclassified Use Permit, refer to the following:
 - a. The Unclassified Use Permit as requested appears not to be within the intent of the Kirkland Zoning Ordinance.
 - b. The Unclassified Use Permit as requested appears to be not wholly consistent with the performance standards of Section 23.36 of the Kirkland Zoning Ordinance No. 2183.
 - c. The Unclassified Use Permit has been accompanied by site plans and vicinity plans and a description of the proposed activity.
10. While a change in zoning to Community Business on Lot 5 appears to be inconsistent with the Land Use Policies Plan, an Unclassified Use Permit to use this lot as an automobile storage area would appear to be consistent with the intent of the Kirkland Zoning Ordinance and the Land Use Policies Plan.

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Conclusions, Cont'd

- F. 11. The applicant should provide either a site obscuring fence or landscaping on the south property lines of Lots 4 and 17 minus the east 90 feet of the south property line of Lot 17. Laurel should be planted where Lot 4 abuts the I-405 right-of-way. A 6 to 8 foot high fence within 3 feet of the property line and inset with shrubs that will grow no taller than the fence should be provided surrounding the east, south and west sides of the parking area on Lot 5. Also, the parking area on Lot 5 should be graded so that it is 3 to 4 feet below the base of the fence and be so designed as to provide for surface runoff management.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions, and Exhibits "A" through "E", we hereby recommend: that the Resolution of Intent to Rezone application for Lots 3, 4 and 17 minus the east 90 feet of Lot 17 be approved and that an Unclassified Use Permit be granted on Lot 5 to use that lot as an automobile storage area. We recommend that the foregoing be approved subject to the following conditions:

1. The only access for the proposed storage area shall be from the property to the north.
2. The applicant shall not provide any additional permanent paving on the subject property.
3. The applicant shall provide landscaping as stated in Conclusion No. 11.
4. Existing vegetation shall be maintained to the maximum extent possible.
5. Motor homes, pickups with campers, and other vehicles larger than automobiles shall be parked in the northern portion of the subject property in preference to automobiles which shall be parked south of vehicles larger than automobiles. At such times as the vehicle storage area is not being entirely used for parking, parking as a whole shall be as northerly as possible on the subject property.
6. At such time that any existing buildings on Lot 5 is removed, the applicant shall provide, in consultation with the Department of Community Development, any additional landscaping which may be needed to provide a sight obscuring buffer along 118th Ave. N.E.