

RESOLUTION NO. R - 2496

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-77-79(P); BY S. P. AND ASSOCIATES TO CONSTRUCT AN INDUSTRIAL BUILDING TO HOUSE A BEER DISTRIBUTORSHIP IN PLANNED AREA 6B BEING WITHIN A PLANNED AREA 6B 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 S. P. and Associates, the owner of said property described in said application and located within a Planned Area 6B zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of December 8, 1977 and January 12, 1978, 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 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 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 Chairman thereof and filed in the Department of Community Development File No. CUP-77-79(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 6th day of February, 1978.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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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 CUP-77-79(P)

APPLICANT S.P., INC.

PROPERTY LOCATION 6th St. So. & Burlington Northern Railroad

SUBJECT Application for Conditional Use Permit

HEARING/MEETING DATE February 6, 1978

BEFORE KIRKLAND CITY COUNCIL

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

"D" Letter of 10/5/77 "E" Letter from Victor Bishop "F" Section thru

Site "G" Possible Access Alternatives "H" Environmental Declarations

"I" Proposed Access Road "J" Second letter from Victor Bishop



STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to construct an industrial building to house a beer distributorship containing 34,350 square feet on a 2 1/2 acre site in Planned Area 6B. (Review to Exhibit "A" - Application).
2. The subject property is located between the eastern terminus of 4th Avenue S. and the Burlington Northern Railroad. The subject property is identified as Tract 10, South Kirkland acreage tracts. (Refer to Exhibit "B" - Vicinity Map).
3. The applicant is proposing to construct a building containing approximately 34,350 square feet, of which 10,350 square feet will be used as office space, with the remainder being used for warehouse purposes. Also proposed to be included on this site is a maintenance shop, and the associated parking for the development. (Refer to Exhibit "C" - Site Plan).
4. 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 which was reviewed by the lead agency, the Department of Community Development. After reviewing the Environmental Checklist, the Director of this Department made a proposed positive declaration on October 13, 1977, pending further investigation on possible impacts relating to traffic patterns and access design. Following further study, the Responsible Official withdrew the proposed declaration of significance and issued a preliminary declaration of non-significance on November 1, 1977. A final declaration of non-significance is anticipated to be issued on December 6, 1977.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

5. Burlington Northern Railroad. Burlington Northern has been contacted by the City for their comments on the proposed access for this development, as well as for their comments on alternative access points, any of which would include the construction of an on-grade crossing of the railroad track. Burlington Northern has informed the City that they would prefer Alternative "1" on Exhibit "G" and are amenable to the configuration for the intersection shown on Exhibit "I".

D. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The slope of the subject property is approximately 6 to 7% rising in an easterly direction.
7. Soils/Geology. Local soil mapping indicates that the subject property is located partially within an Arents, Alderwood, Gravelly Sandy Loam classification and partially within an Indianola Loamy

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Statements of Fact, Continued

- D. 7. Fine Sand classification. Local geologic mapping indicates the subject property to be located within a Vashon Till (Qt) unit.
8. Hydrology. There are no water courses on the subject property.
9. Vegetation. The subject property is primarily vegetated with weed and wild bushes. However, on the north and northeastern portions of the site are found some deciduous trees.

E. PUBLIC UTILITIES:

10. Streets. The subject property abuts the eastern terminus of 4th Avenue S., which contains a 40 foot wide right-of-way. The eastern property line of the subject property is adjacent to a 30 foot wide City right-of-way, which extends northward adjacent to the Burlington Northern right-of-way, and intersects with 6th Street S.
11. Access. The applicant is proposing no access to the subject property from 4th Avenue S. Instead, the applicant proposes to improve the 30 foot City right-of-way for access from 6th Street S. The applicant proposes to build an intersection at the junction of the access road and 6th Street S. As proposed, the access road would intersect with 6th Street S. immediately north of the railroad tracks on the west side of 6th Street S. (See Exhibit "I" and "J".)
12. Traffic. In a letter from the applicant to the Department of Community Development, dated October 5, 1977, the applicant describes the characteristics of the traffic expected to be generated from this proposal. The applicant expects no more than 35 vehicles travelling to and from the site per day. 8 to 10 of these vehicles would consist of delivery trucks, ranging in size from 20,000 to 48,000 lbs. gross vehicle weight. The applicant has indicated that all deliveries made to this facility would be by railroad.
- For a more complete description of traffic characteristics associated with this development, refer to Exhibit "D" - Letter of October 5, 1977.
13. Sewer. Sewers in the area include a 6-inch sewer line on 4th Avenue S., the Metro sewer line along the Burlington Northern right-of-way, and a 10-inch sewer line on 6th Street S.
14. Water. There is presently a 6-inch water line along the west property line of the subject property, as well as another 6-inch water line along the north property line. In addition, there is a 10-inch water line located in the right-of-way of 6th Street S.
15. Storm Drainage. There has been some problem handling storm drainage from land in this vicinity in the past. The proposed building and associated parking areas would cover approximately 80% of the presently un-developed site, and would thereby increase runoff potential.

Statements of Fact, Continued

E.16. Railroad. The Burlington Northern track borders the east property line and currently has spur lines to serve industrial customers on both sides of the tracks. The applicant has proposed an additional spur line to enter the property from the southeast corner.

F. Neighborhood Characteristics:

17. Zoning. The subject property is zoned Planned Area 6B:RS5,000/LI. Properties to the south, west, and northwest of the subject property are also located within Planned Area 6B. Property directly to the south of this site will allow the same uses as will the zoning on the subject property (RS 5000,LI). To the west and northwest of the subject property, Planned Area 6B zoning will allow residential development at a density of 1 unit per 5,000 square feet. To the north of subject property is RS 8500 zoning. To the southeast of the subject property, across the Burlington Northern railroad, is Light Industrial zoning.

18. Land Use. The subject property is presently undeveloped. To the south of the subject property is Genie Industries, which will be expanding their facility in the near future. To the west is a combination of single family and multi-family residences. To the north of the site are some undeveloped properties, as well as a few single family residences. To the northeast of the site, adjacent to the proposed intersection of the access road and 6th Street S., is a single family residence.

The alternative land use potential for this part of Planned Area 6B is residential at RS 5000 (9 dwelling units per acre). This would yield approximately 22 units.

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

19. The Planned Area chapter of the Kirkland Zoning Ordinance states that proposals for development will adhere to the policies, standards and procedures contained in the relevant sections of the Land Use Policies Plan. Reference to the subject area appears in the Plan on pages 242 and 244. The former citation reads as follows:

"There are two existing industrial areas located in the east State Street area which are presently serviced by 7th Avenue S. The future expansion of industrial uses in the area should be reviewed on a case by case basis with particular attention given to traffic impacts on 7th Avenue S. If it was judged that increased industrial traffic associated with such expansion would have excessive adverse impacts on the residential neighborhood, the developer could be required to gain access from the east. In no case should industrial traffic use 2nd, 3rd, 4th, 5th, or 6th Avenues S. for access. New industrial developments in the area should be required to gain access to the east unless they would not have significant traffic impacts of 7th Avenue S. If access is to the east, safe and reasonable intersections and

Statements of Fact, Continued

6. 19. impacts on residential areas are to be evaluated. If these conditions can not be met, the use of these lands would be medium density residential (9 dwelling units per acre)."

The other citation appears as follows:

"To a very limited extent light industry is permitted in the State Street area near the railroad. In order to minimize conflicts with nearby residential uses, industrial activities must conform with the following standards:

1. Industrial activities should not generate heavy volumes of truck traffic along residential streets. Excessive truck frequency, noise, and hazard would constitute a serious nuisance for residential areas. Therefore, the expansion of existing industrial uses should be permitted only if traffic impacts on residential areas are minimal. New industrial uses should be required to access to the east. *(Please note that a conflict exists in the wording of this standard and the standard defined in the previous paragraph. Our interpretation is that the standard in the previous paragraph should prevail as being a more reasonable standard based on access limitations and the level of impacts associated with this specific proposal.)*
2. Industrial operations (including manufacturing, processing, storage, and shipping/receiving) must not be visible from nearby residential development. Such industrial operations must be oriented away from residential uses and must be visually screened or completely enclosed within structures.
3. The height of structures associated with industrial activities may not exceed 20 feet near the perimeter of the development. Taller structures may be permitted if there is additional setback to compensate for the added height and bulk.
4. Hours of operation should be considered on a case by case basis depending on the potential impact on the neighborhood. Industrial activities during evening or weekend hours may be permitted if they are not noticeable from nearby residential areas. The purpose of these requirements is to help maintain the residential character of nearby properties by limiting non-residential uses during hours when families are most likely to be together in their homes.
5. Industrial uses should not create excessive noise, glare, light, dust, fumes or other adverse conditions which disrupt the residential character of the surrounding area.

Statements of Fact, Continued

- G. 19.
6. Adequate fencing, landscaping and/or other visual screening should be provided between residential uses and adjacent industrial developments and their parking.
 7. Whenever feasible, parking should be located beneath structures in order to minimize impervious surfaces and reduce the visibility of parked vehicles from adjacent properties. Runoff from impervious surfaces should be controlled."
20. Setbacks. The Kirkland Zoning Ordinance requires a 30 foot front yard setback for all structures located within a Light Industrial zone. The applicant meets this requirement.
21. Landscaping. The Kirkland Zoning Ordinance requires a 25 foot wide landscaped buffer to be located along all peripheral boundaries of a Light Industrial zone. Although the zoning of the subject property is Planned Area 6B, the Planned Area chapter of the Kirkland Zoning Ordinance indicates that Light Industrial uses occurring in this zone will conform to the zoning requirements of the Light Industrial zone.
22. Parking. The Kirkland Zoning Ordinance requires the following parking ratios:
- Office Use: One parking stall per 300 square feet of floor area.
Storage: One parking stall per 1000 square feet of floor area.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit is generally consistent with the requirements of the Kirkland Zoning Ordinance and the Land Use Policies Plan as they relate to Planned Area 6B.

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

2. Burlington Northern Railroad. The Burlington Northern Railroad has indicated that they are amenable to both the spur line and proposed intersection improvements.

Conclusions, Cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

3. Topography/Soils/Geology/Hydrology/Vegetation. The above considerations should not impose a constraint on reaching a positive or negative decision on this proposal.

E. PUBLIC UTILITIES:

4. Streets/Access. In December reservations were expressed concerning the proposed access for this development. The City consulted with Mr. Victor Bishop, President of Transportation Planning and Engineering, Inc., who has reviewed the then proposed intersection. Mr. Bishop, a professional traffic engineer, indicated to the Department of Community Development that the intersection, as proposed, would not accommodate a single unit truck making a right turn from the access road onto 6th Street South without total encroachment into the opposing lanes on both the access road and 6th Street South. Mr. Bishop indicated that the proposed intersection should be redesigned, to allow an adequate turning radius for trucks leaving this site. (Refer to Exhibit "E" - Letter from Mr. Victor Bishop). Applicants then submitted a new intersection design developed by Mr. Bishop (See Exhibit "I"). In his attached letter (Exhibit "J") he pointed out that it would meet industry standards.
5. Sewers/Water. The applicant should be required to meet with the Public Service Department to agree upon any necessary extension of these utilities to serve the proposed development.
6. Storm Drainage. Prior to the installation of any required utilities, grading, clearing or development on the subject property, the applicant should be required to submit for review engineering calculations and plans for the storm water runoff and drainage system to the Department of Public Services. The systems will be designed so that the water leaving the site from a storm having an intensity equal to or less than a ten year storm will not have a lesser quality or greater quantity than that which currently leaves the site under identical storm conditions.
7. Railroad. The addition of a spur line and rail deliveries does not appear to involve serious impacts.

F. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning. This proposal meets the substance of the relevant chapters of the Zoning Ordinance.
9. Land Use. The industrial use of this property would be consistent with the pattern that has been set adjacent to the railroad tracks immediately to the south. The proposed screening and location of structures on the site would appear to minimize visual and functional impacts on surrounding areas.

Conclusions, Cont'd

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

10. The relevant conclusions with regard to the Land Use Policies Plan are made by comparing the proposed project with the policies, standards, and procedures outlined on pages 242 and 244 of the Plan (see G.19 of the Statements of Fact above).

With respect to the standards listed on page 244 of the Plan, the following conclusions are relevant. Please refer to the specific wording for standards 1 through 8 as they appear in G.19 of Statements of Fact above.

1. Industrial activities should not generate heavy volumes of truck traffic along residential streets. The proposed access road provides access only to industrial uses. However, even though the trucks would not be traveling on residential streets, there may be some impact to nearby residential uses. Applicants should agree to mitigate these impacts.
2. The applicants have proposed a 25 foot wide landscape buffer along the north and west property lines of the subject property. Additionally, they have proposed a 10 foot wide screen of the southern boundary of the parking area. The Department of Community Development has recommended some changes in the landscaping plan, which are found in Conclusion G. 13 below. If these recommendations are incorporated into the site development, adequate buffering should result.
3. The proposed height of the building would be 32 feet above finished grade, and 36 feet above predevelopment grade. Although this is in excess of the 20 foot standard included in the Land Use Plan, the setbacks proposed for the building, combined with the landscaping buffer along the west and north property lines, should offset the increased height of the proposed structure. The applicant has indicated a setback of 137 feet from the west property line, and an 89 foot setback from the north property line. The northeast corner of the proposed building would be approximately 164 feet from the single family residence to the north.
4. The applicant has indicated that the hours of operation would be from 6:00 am to 5:30 pm, throughout the normal five day work week. The applicant has further indicated that all trucks will depart from the facility no later than 8:00 am, and will return to the premises between 3:00 and 4:00 pm. It would not appear that the proposed hours of operation would pose problems to the surrounding neighborhood.

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Conclusions, Cont'd

- G. 10. 5. The general use proposed by the applicant should not create excessive noise, glare, light, dust, fumes or other adverse conditions. However, as previously stated, there is a concern regarding possible adverse conditions created to surrounding residences by the proposed access road. Adverse impacts created by this access road should be mitigated to the maximum extent possible.
6. If the applicant is required to incorporate the landscaping revisions indicated by the Department of Community Development in Conclusion G. 13. below, adequate visual screening between this use and adjacent uses should result.
7. The applicant has not proposed under story parking. However, the landscaping for this project, if properly designed and maintained, will obviate such a need. Additionally, the applicant will be required to control surface runoff.
11. Setbacks. The applicant conforms to all setback requirements.
12. Landscaping. Applicant's proposed buffers on the north and west boundaries of 3 rows of 8' high trees planted 12' on center atop a 6' high berm. This corresponds to buffer precedents previously established to separate light industrial from residential land uses.
13. Parking. The number of parking stalls meets the requirements of the zoning code. Based upon the parking ratios presented by the zoning code, the 10,350 square feet of office space proposed by the applicant would require 34 parking stalls. The 24,150 square feet of storage area would require an additional 24 stalls, or a total of 58 parking stalls. The applicant has proposed a total of 58 parking stalls.

RECOMMENDATIONS:

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

1. The applicant shall meet with the Public Service Department to agree upon all necessary improvements, including water, sewer, and road improvements.
2. At the time of building permit application, the applicant shall submit a detailed landscaping plan, indicating the size, types, and spacing of all materials to be planted. This landscape plan should indicate a 25 foot wide buffer along the north and west property lines of the subject property. Such buffers shall consist of three offset rows of site obscuring trees, placed a maximum of 12 feet on center, with a minimum height of 8 feet. Said trees

Recommendations, Cont'd

2. (Cont'd)

shall be planted on a 6 foot high berm. The landscape plan shall also indicate that the landscape buffer on the south edge of the parking area complies. The applicant shall indicate the location of the existing trees on the site plan.

The landscaping plan shall also include a 10 foot wide strip of trees planted in the public right-of-way between the edge of the asphalt of the new access road and the southeast property line of the owner immediately to the north. The applicant shall plant therein Douglas Fir, or similar material, at least 8 feet in height at time of planting and 8 to 10 feet on center, in two parallel rows for the full length of that person's frontage onto the new roadway, with the exception, if that person so desires, of the existing driveway. Also, the applicants shall contact and request approval from that northern property owner to plant, at their own expense, an additional third and fourth rows of similar material within the southeasternmost 10 to 15 feet of her property.

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 identified with an attached drawing indicating the required 25 foot buffer strips along the western and northern property lines. A copy of the recording shall be filed with the Department of Community Development prior to obtaining a Building Permit. The open space easement agreement shall be similar to the following:

"
being the owner of the real estate described below and made a part hereof, does hereby Certify, establish, and declare that the air space above the privately owned open space identified on the attached drawing 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 appertainces in said open space, to maintain the same, to construct, improve, or maintain, any appertainces normally used or associated with the use of such 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."

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Recommendations, Cont'd

4. Prior to the installation of any required utilities, grading, clearing or development on the subject property, the applicant shall be required to submit for review engineering calculations and plans for the storm water runoff and drainage system to the Department of Public Services. The systems shall be designed so that the water leaving the site from a storm having an intensity equal to or less than a ten year storm will not have a lesser quality or greater quantity than that which currently leaves the site under identical storm conditions.
5. The applicant shall contact Burlington Northern Railroad, to inform them of the fact that the proposed spur track will be crossing the access road, and gain from the Railroad their written acknowledgement and approval for such crossing.
6. The applicant shall extend the roadway improvement to a point corresponding to their south property line.
7. All roadway and signalization improvements indicated on Exhibits "I" and "J" shall be operational prior to the issuance of an
→ Occupancy Permit.
8. Applicants shall contact the property owner to the north and offer to relocate, at their expense, her driveway and any necessary appurtenances to achieve the circulation indicated in Exhibits "I" and "J". If she declines, they shall extend the landscaped buffer to include that area shown on Exhibit "I" for the "new" driveway.

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