

RESOLUTION NO. R- 2544

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-78-36(P), BY JAMES W. JACOBSON dba JACOBSON HOMES, INC., FOR CONSTRUCTION OF A 12-UNIT APARTMENT BUILDING BETWEEN N.E. 82ND STREET AND KIRKLAND AVENUE, 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 filed by James W. Jacobson, the owner of said property described in said application and located 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 June 29, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-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 Statements of Fact, 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 Statements of Fact, 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-78-28(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) Fire and Building Department of the City of Kirkland
- (d) Parks 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.

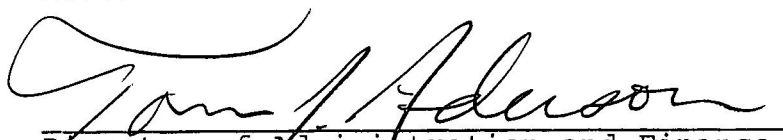
ADOPTED in regular meeting of the City Council on the 7th day of August , 1978.

SIGNED IN AUTHENTICATION THEREOF on the 7th day of August , 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 July 20th, 1978
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-78-36(P)

APPLICANT JAMES W. JACOBSON

PROPERTY LOCATION N.E. 82nd St. and Kirkland Avenue

SUBJECT CONDITIONAL USE PERMIT FOR CONSTRUCTION OF 12-UNIT APARTMENT BLDG.

HEARING/MEETING DATE AUGUST 7th, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Site Plan "B" Vicinity Map "C" Application
"D" Environmental Information

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. The applicant, James W. Jacobson, proposes the construction of a 12-unit apartment building between N.E. 82nd and Kirkland Avenue. (See Exhibit "A" - Site Plan)

B. EXISTING CHARACTERISTICS:

2. The subject property is now a vacant lot of approximately one-half acre. The site is covered primarily with blackberries and grass, but a few major trees stand on the site. The slope is gentle and towards the northeast. (See Exhibit "B"-Vicinity Map)

C. NEIGHBORHOOD CHARACTERISTICS:

3. Zoning. This parcel lies in the southern portion of Planned Area 5. Allowable uses for the Planned Area include high density residential up to 24 dwelling units per acre and professional offices. To the south, the land is zoned for multi-family housing with at least 3600 square feet of land per unit.

4. Land Use. The surrounding property presently supports single family residences, most of which are small older homes. (See Exhibit "B").

D. GOVERNMENTAL COORDINATION:

5. Sewer/Water. With the building located as shown, sanitary sewer will need to be pumped to the south side of Kirkland Way. Domestic water will be connected from Kirkland Way and storm water will be tied to the retention systems off of N.E. 82nd Street.
6. Pedestrian Ways. No sidewalks now exist on either Kirkland Way or Northeast 82nd Street.
7. Access. The Police Department has indicated concern about the safety of the east entrance to the parking area.

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

8. Pertinent sections of the Land Use Policies Plan read as follows:

"Planned Area 5 is located in the easterly section of the Central Area. It lies east of Planned Area 4 and is bounded by 108th Ave. N.E., N.E. 85th Street, the railroad and Kirkland Way. In order to most effectively coordinate the use of this area with the activities of the CBD, Planned

Statements of Fact, Cont'd

E. 8. (Cont'd)

Area 5 should be planned as a unit although development could proceed incrementally." (Page 251)

"Vehicular access to the site should take advantage of the proximity to I-405 and existing arterials and respect the less intensive residential uses to the south."
(Page 252)

"Pedestrian and bicycle linkage with the CBD should be major features of future development in Planned Area 5."
(Page 252)

9. The following sections of the Kirkland Zoning Ordinance apply to this action:

"Every lot shall have a front yard with a depth of not less than 20 feet." (Section 23.10.060)

"Each apartment building or complex of buildings for which a building permit is issued subsequent to the effective date of this Ordinance, shall provide a minimum area of 200 square feet of recreation space per each living unit in the complex."
(Section 23.10.110(1)).

"Where the total required area is 3,000 square feet or less, the outdoor space shall be one continuous parcel of land not to be located within the required front yard setback."
(Section 23.10.110(4)).

"All residential development proposed in any RM zone classification shall be required by the City of Kirkland to deposit in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money to be used solely for the purposes for which said fund account was created by Chapter 5.72, Kirkland Municipal Code (Ordinance No. 1115)." (Section 23.10.110(5)).

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This action appears to be generally consistent with the policies of the City of Kirkland as set forth in the Land Use Policies Plan and the Zoning Ordinance.

B. EXISTING CHARACTERISTICS:

2. The existing trees should be saved to the greatest extent possible. The applicant should submit a tree cutting plan for any trees over 4" caliper which he intends to remove.

Conclusions, Cont'd

C. NEIGHBORHOOD CHARACTERISTICS:

3. The applicant has proposed the construction of the maximum number of units possible under the RM 1800 zoning. While this usage is a major departure from the existing land use, it is allowed under the Comprehensive Plan. The reasons for the high density classification should be kept in mind when reviewing the development application. This area will eventually be a high density multi-family area with a heavy emphasis on pedestrian access.

D. GOVERNMENTAL COORDINATION:

4. Water and Sewer need to be coordinated with the Department of Public Services.
5. Kirkland Way is shown as a major pedestrian route in the Land Use Policies Plan and the Park Department requests that the developer install a 6 foot concrete sidewalk along Kirkland Way.
6. Access to the parking lot should be limited to one point on the western portion of Kirkland Way.

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

7. The setback from N.E. 82nd Street must be 20 feet.
8. In order to eventually coordinate this area with the CBD in a pedestrian linkage, the developer should install the portion of sidewalk along Kirkland Way.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions, and Exhibit "A" through "D", the Department of Community Development recommends approval of this action with the following stipulations:

1. Ingress and egress to the parking area shall be limited to one point of access on the western portion of the Kirkland Way frontage.
2. The applicant shall submit a detailed tree cutting plan and landscape plan to be approved by the Department of Community Development and the Park Department.
3. The setback from N.E. 82nd shall be 20 feet.
4. The applicant shall install a 6 foot concrete sidewalk along his entire frontage of Kirkland Way.

Recommendations, Cont'd

5. The applicant must make an appropriate deposit into the "Fee in Lieu of Open Space" account of the Park and Municipal Facilities Cumulative Reserve Fund as required by Section 23.10.110 of the Kirkland Zoning Ordinance No. 2183.
6. The landscape island located in the northerly portion of the parking area shall be relocated to the east so that the existing Ash tree is retained.
7. The area designated for recreation space in the northwest portion of the property should be planted with lawn.