

RESOLUTION R-2545

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-78-34(H), BY STEVE WILLARD OF S.W. ASSOCIATES, TO CONSTRUCT 3630 SQUARE FEET OF PROFESSIONAL OFFICE SPACE IN PLANNED AREA 3, BEING WITHIN A PLANNED AREA 3 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 Steve Willard, the owner of said property described in said application and located within a Planned Area 3 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of July 13, 1978 and July 11, 1978, respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 and Houghton Community Council, after their public hearings 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 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-78-34(H) are adopted by the Kirkland City Council as though fully set forth herein, except for Recommendations No. 1 and No. 3, which are replaced as set forth below in Section 2.

Section 2. The Conditional Use Permit shall be issued to the applicants subject to the conditions set forth in the Findings, Conclusions, and Recommendations here and above adopted by the

Kirkland City Council, together with wording for Condition 1, which shall read:

Prior to acceptance by the City of an application for a building permit, the applicant shall relinquish his rights to that portion of the 50 foot access easements as may be necessary to preclude building set-back problems; and

Condition No. 3 which shall read:

The access from and to Lake Washington Boulevard to be developed under the Conditional Use Permit over and across the existing non-exclusive easement abutting the subject property to the south shall be made available by the holder of the Conditional Use Permit or his successor for the joint or cooperative use by the adjoining property, when it is proposed for development. In the alternative, the holder of the Conditional Use Permit or his successor may provide a relocation of access to subject property so that it is inward from the west and he may then abandon the access directly from Lake Washington Boulevard.

Section 3. A certified copy of this Resoluiton, 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 inititally 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. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit herein granted are pursuant to Ordinance No. 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.


Section 7. 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 and Fire 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

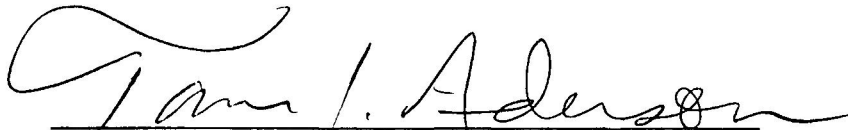
ADOPTED in regular meeting of the City Council on the 7th day of August, 1978.

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 13, 1978
____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____
David Russell
David Russell, Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CUP-78-34(H)

APPLICANT STEVE WILLARD

PROPERTY LOCATION 4400 Lake Washington Boulevard

SUBJECT CONDITIONAL USE PERMIT for an office building in PLA-3

HEARING/MEETING DATE August 7, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Site Plan "B" Vicinity Map "C" Letter concerning easements
"D" Application "E" Environmental Information

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit submitted by Steve Willard of S.W. Associates. The applicant proposes the construction of 3630 square feet of professional office space in Planned Area 3. (See Exhibit "A" - Site Plan)
2. The subject property is located in the 3800 block on the west side of Lake Washington Boulevard. (See Exhibit "B" - Vicinity Map).

B. EXISTING PHYSICAL CHARACTERISTICS:

3. An abandoned gas station presently stands on the site. The area surrounding the old gas station is covered with shrubs and small alder trees.
4. To the north and south of the subject property lie 50 foot wide, non-exclusive private easements for ingress and egress. If these easements are retained, the proposed structure would be required to have 20 foot front yards along each easement as well as along Lake Washington Boulevard. If the proponent relinquishes his rights to these easements, then the property becomes unencumbered land under the ownership of the neighboring landholder, and only regular side yards would be required. (See Exhibit "C" - Letter concerning easements).

C. NEIGHBORHOOD CHARACTERISTICS:

5. The site is located in Planned Area 3, which surrounds the property to the north, west and south. Planned Area 3 allows multi-family dwelling units or professional offices under a Conditional Use Permit or Planned Unit Development. On the opposite side of Lake Washington Boulevard, the land is zoned for Professional Office or Multi-Family Residence. A parcel to the northeast is zone for Commercial Business.
6. Land Use. Planned Area 3 is now primarily vacant. The subject lot and a parcel to the south both currently have abandoned service stations. Approval was recently given by the Development Review Committee to allow the renovation of the southerly station into office space. The area to the east of Lake Washington Boulevard is not yet developed to the extent allowed by the zoning except for the land zoned Commercial Business, which is used as an operating service station.

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Statements of Fact, Cont'd

D. PUBLIC UTILITIES:

7. Sanitary sewer and domestic water exist for use at the site.
8. Sidewalk presently exists along Lake Washington Boulevard.

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

9. According to Section 23.14.050 of the Zoning Code, professional offices must have twenty foot setbacks in the front yard, ten feet in the rear yard, a minimum of five feet in each side yard, with the total of the side yards being at least 15 feet.
10. The Land Use Policies Plan notes that Planned Area 3 "is the entrance to the City and hence the character of development is important." (p. 226).
11. Access is an issue for this area as well: "Ingress and egress on Lake Washington Boulevard and Points Drive will need to be carefully controlled in order not to negatively impact the traffic on the Boulevard and approach to SR-520."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This action appears to be generally consistent with the requirements of the Kirkland Zoning Ordinance and the intent of the Land Use Policies Plan.

B. EXISTING CHARACTERISTICS:

2. The easements to the north and south must be relinquished before the applicant could build the office structure as proposed. The applicant has filed the documents necessary for relinquishment with the City; they are completed but will not be signed unless the subject Conditional Use Permit is granted so that the easement rights would not be unnecessarily relinquished.

C. NEIGHBORHOOD CHARACTERISTICS:

3. The proposed use is consistent with the uses allowed under Planned Area 3, and would remove the abandoned gas station. Future development of lands west, south and north within Planned Area 3 make alternative accesses to the subject property a potential. To the extent that this alternative would improve the traffic geometry and safety of Lake Washington Boulevard and still provide for safe and reasonable access to the site, the access indicated on Exhibit "A" should at some future date be re-oriented to the west and the driveway committed to landscaping.

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Conclusions, Cont'd

D. PUBLIC UTILITIES:

4. Storm water retention to the specifications of the Department of Public Service will be required for impervious areas.

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

5. As the Land Use Policies Plan points out, the character of this area is important as an entrance to the City. The removal of the old gas station would be an improvement to the appearance of the area.
6. The proposed site plan shows only one access point to Lake Washington Boulevard for minimal impact on traffic.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions and Exhibits "A" through "E", we hereby recommend approval of this Conditional Use Permit subject to the following:

1. Prior to acceptance by the City of an application for a building permit, the applicant shall relinquish his rights to the two 50-foot easements to the north and south of his property.
2. The trees shown on the landscaping plan shall be a minimum of 2" caliper at the time of planting.
3. When the property surrounding this parcel is planned, the issue of access to this parcel from Lake Washington Boulevard shall be reviewed by the staff and the Planning Commission. If it is determined that a public purpose would be served and safe and reasonable access could be assured by re-orienting access to this property inward from the west, then the access to Lake Washington Boulevard shall then be abandoned.
4. Landscaping consistent with other materials proposed in the front yard, shall be placed in the part of the southerly easement which lies within 4 feet of the eastern property line and on either side of the indicated driveway. A 4 foot wide planting strip shall be installed along the entry drive, while additional landscaping could be required at the discretion of the staff. The review of installed landscaping and the exercise of said staff discretion shall occur before issuance of Certificates of Occupancy.

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