

RESOLUTION NO. R-2549

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-78-18(P)(REVISED), BY WARD BUSHNELL, DBA GENIE INDUSTRIES TO CONSTRUCT A WAREHOUSE/INDUSTRIAL TYPE BUILDING IN LIEU OF TWO SMALLER INDUSTRIAL STRUCTURES APPROVED BY CITY OF KIRKLAND RESOLUTIONS 2462 AND 2538, SAID BUILDING TO BE LOCATED EAST OF 5TH STREET SOUTH BETWEEN 7TH AVENUE SOUTH AND 4TH AVENUE SOUTH, 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 an amendment to a Conditional Use Permit filed by Ward Bushnell, 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 August 24, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, and as referenced in Resolution 2538, 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 for both the original application and the proposed amendment 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 amendment to the Conditional Use Permits 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 I. 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-78-18(P) (REVISED) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The amended Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations here and above adopted by the City Council, together with an additional Condition, No. 3d, which shall read as follows: "Submit for review and approval by the Department of Community Development and the Public Service Department an internal circulation and truck loading plan. Said plan shall assure that adequate turning radii, site distance and clear driving lanes will be maintained, particularly with regards to the safety and efficiency of the frontage road along the eastern property line."

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 amended 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,

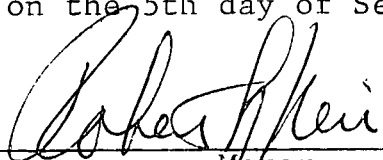
Section 5. Failure on the part of the holder of the amended Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the amended Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

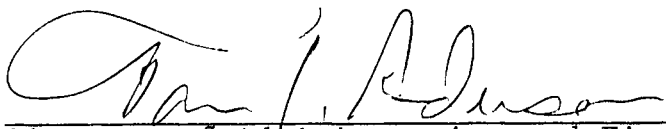
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department of the City of Kirkland
- (d) Parks Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The 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 5th day of September, 1978.

SIGNED IN AUTHENTICATION thereof on the 5th day of September, 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 August 24, 1978

ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

BOARD OF ADJUSTMENT \_\_\_\_\_

HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

XX PLANNING COMMISSION \_\_\_\_\_

David Russell, Chairperson

CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER CUP-78-18(P) REV.

APPLICANT Bushnell/Genie Industries

PROPERTY LOCATION 504 7th Avenue South

SUBJECT CONDITIONAL USE PERMIT for one building in a Light Industrial Zone

HEARING/MEETING DATE August 24, 1978

BEFORE KIRKLAND PLANNING COMMISSION

EXHIBITS ATTACHED "A" Letter from Ward Bushnell "B" Vicinity Map/Land Use

"C" Proposed 28,000 square foot structure & elevation "D" Site Plan

approved by CUP-78-18(P) "E" Site Plan approved by CUP-77-63(P)

"F" Memo of Gerald F. Link

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL

1. This is an application for an amendment to an approved Conditional Use Permit (File No. CUP-78-18(P)) to allow the construction of a single industrial structure of approximately 28,000 square feet of area, instead of the two previously approved buildings on the subject property, which totaled 16,000 square feet of area. (See Exhibit "A" - Letter From Ward Bushnell). The subject property is approximately two acres in size and is located between 5th Street South and the Burlington Northern tracks and north of 7th Avenue South. (See Exhibit "B"-Vicinity Map/Land Use). The proposed structure would be about 10 to 12 feet high at the western end and would be approximately 32 feet high for the balance (see Exhibit "C" - Plan / Elevation). The applicants have proposed parking for 39 additional automobiles beyond those which are already provided on the site.
2. The applicant has indicated that after this building is erected no further construction would occur on the subject property. He has indicated on his site plan a 25 foot wide buffer along the western and northern sides of the property. He has stated his intention to comply with the creation of a six foot high berm in that buffer area to be planted with evergreen materials six to eight feet in height at the time of planting and eight to ten feet on center. It has also been stated by the applicant that the tenant in the new building would be Genie Industries while the smaller existing structure (11,760 square feet) would be leased out to others.

B. RECOMMENDATIONS

Subject to the statements of fact and conclusions contained herein and as identified in Exhibits "A" through "F", we hereby recommend approval of this application for an amendment to the approved Conditional Use Permit No. CUP-78-18(P) as adopted by the City of Kirkland in Resolution No. 2538, subject to the following conditions:

1. The following limitations to the Use Permit shall apply:
  - a. Truck traffic to the proposed structure on the subject property, via 7th Avenue South, shall total no more than five daily truck round trips for each 6,250 square feet of gross floor area by vehicles weighing 10,000 or more pounds (gross vehicle weight).

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I. SUMMARY, Continued

- B. 1a. Furthermore, no more than 40% of such truck trips shall be by vehicles that are either semi-truck trailer or weight 24,000 pounds gross vehicle weight or more, which vehicles shall be limited to the hours between 7:00 am and 7:00 pm. These limitations shall not apply to private passenger vehicles, United Parcel Service step vans, or garage trucks.

This ratio will amount to a total of 45 truck trips using 7th Avenue South to either go to or go from the proposed structure. 40% of this figure would be 18 vehicle trips which could be by trucks that are either semi-trailer rigs or which weigh 24,000 or more gross vehicle weight.

- b. The frontage road along the Burlington Northern line which serves the Genie property shall be extended north to the property line. Said improvement shall occur within the 30-foot wide unopened right-of-way. The roadway will be paved to a full 30 foot asphalt width with 5 foot gravel shoulders on either side. The applicant shall meet with the Public Service Department to receive final design approval for said roadway, including provisions for drainage. If the applicant and the Department of Public Service can agree to arrangement for the provision of funds in lieu of an improvement at this time, then this condition of approval may be so modified. In setting the amount of either a bond or an assignment of funds, the Department shall take account of adjustments for inflation, rising construction costs and other elements. If no such agreement can be reached, the above described improvement shall be installed prior to issuance of the certificate of occupancy for the building.
- c. At such time that the property immediately adjacent to the north develops as a light industrial use, it will be possible for the Department of Community Development, acting under the authority of this use permit, to allow the applicant to reduce the northern setback from 25 feet to whatever dimension would be allowed by the Uniform Building Code.
- d. This Conditional Use Permit shall authorize the only construction which is to occur on the subject property. In the event that the northern property commits to an industrial land use, the 25 foot buffer area may be modified as per condition 3a(i) below. In this case, the applicant may submit for review and approval to the Department of Community Development a proposal to use a portion of that northerly 25 feet for outdoor storage or some other use which is determined to be consistent with the slope and intent of this Conditional Use Permit.
- e. The approval of this Conditional Use Permit does not obviate any needs that may exist for the applicant to secure a variance to other dimensional requirements for the Kirkland Zoning Ordinance. For example, a variance will be needed to reduce the 20 foot setback on the eastern property line to something less than that in order for the applicant to receive a Building Permit on the structure as shown on Exhibit "C".

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SUMMARY, continued

B. Continued

2. Prior to any site work being done on the subject property, the applicant shall:
  - a. Sign a "no protest" agreement to a potential local improvement district for the improvement of that easterly route. This agreement shall be in a form approved by the City Attorney. Also, he shall dedicate a 15 foot wide right-of-way along the western property line north from 5th Avenue South. This feature would enable three access points to service the 2½ acre property to the north in the event it develops in a residential use. This right-of-way would be in the area designated a landscape buffer and thus could potentially reduce said buffer to a ten foot width if and when the City was desirous of gaining such an access route. In the meantime, that area shall be planted and maintained by applicant under the provisions of condition #3 below.
  - b. Submit design and calculations for a storm water retention system which will not decrease the quality or increase the quantity or velocity of water leaving the site from a ten year storm. This shall include an oil and silt separator system to protect water quality.
3. Prior to the issuance of a Building Permit on the subject property, the applicant shall:
  - a. Submit for review and approval by the Department of Community Development a landscaping plan which shall include the following features:
    - (i) A buffer 25 feet wide along the western and northern boundaries of the property. This landscaping area shall include a six foot high earthen berm which shall be planted with three off-set rows of evergreen trees (Douglas Fir or similar material) which shall be planted eight to ten feet on center and which shall be eight to ten feet in height at the time of planting. In lieu of installing landscape materials along the northern property line, the applicant may post a bond for those materials in an amount to be determined by the Department of Community Development and the

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I. SUMMARY, continued

- B. 3. a. (i) Parks Department. The purpose of said bond would be to assure the City of landscaping improvements along the north in the event that the resolution of land use immediately to the north dictates the need for a 25 foot wide landscape buffer.
- (ii) The applicant shall agree to maintain the vegetation and shall post a maintenance bond to replace any trees necessary to maintain a screen which do not survive for the first year.
- (iii) The applicant shall indicate on the landscaping plan the location of all existing vegetation to be retained.
- b. Record with the King County Department of Records and Elections an open space easement identified with an attached drawing indicating the above cited 25 foot buffer strips along the western and northern property lines. A copy of said recording shall be filed with the Department of Community Development prior to obtaining a Building Permit. The open space easement agreement shall be worded similar to the following:

" \_\_\_\_\_, being the owner of the real estate described below and made a part herof, does hereby certify, establish, and declare that the airspace 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 assignees, to plant or grow plants, shrubs, or trees and subject to the right of the owner, his heirs, successors or assignees to enter upon said premises to install utilities and appertances in said open space, to maintain the same, to construct, improve, or maintain, any appertances normally used or associated with a use of such open spaced land. Nothing in this dedication shall preclude the owner, his heirs, successors or assignees from growing 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 of airspace shall not surrender rights of trespass to the public."

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- I. B. 3. c. Certify that water main and hydrant improvements are operational to the standards of the Department of Fire Services.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact: On October 3, 1977, the Kirkland City Council adopted Resolution 2462. This Resolution approved the Conditional Use Permit allowing construction of a 9,800 square foot industrial building on the subject property. The site plan shown in Exhibit "E" was the adopted site plan accompanying File No. CUP-77-63(P). The applicant received from the Kirkland Board of Adjustment on February 2, 1978, a variance to allow the reduction of the required setback on the eastern property line from 20 feet to 5 feet. On July 10, 1978, the Kirkland City Council adopted Resolution 2538 which allowed the construction of a 6,650 square foot addition to the existing Genie Building (see Exhibit "D").
2. Conclusions: The applicant has attempted to comply with all applicable City requirements and procedures. The only concerns that were voiced by neighbors at any of the three hearings concerned the City's responsibility and performance with regard to the management of water runoff in the right-of-way of 5th Street South. No one at any of these meetings expressed an objection to the Conditional Use Permit or the variance as applied for by applicant.

B. GOVERNMENTAL COORDINATION

1. Statements of Fact:

a. Kirkland Police Department

Adequacy of Emergency Access: Adequate as shown.

- b. Parks Department. The landscaped buffer should include materials sufficient in size and spacing to provide an adequate year-around screen.
- c. Building Department

Relevant Building Code Requirements: Based on the type of construction, a sprinkler system will possibly be required. The project is in Fire Zone 2.

d. Fire Department.

Adequacy of Emergency Access: Adequate as shown.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS, Continued

B. 1. d. continued

Fire Hydrants . On site fire hydrants will be required. It would appear two will be needed. All hydrants and water mains to be operational prior to framing construction.

Adequacy of Fire Flow: Currently is 1600 GPM. Estimate need for neighborhood will be 4500 GPM.

Other: Type "A" fire alarm system will be required unless building is fully sprinklered.

e. Public Services

Sanitary Sewer: Developer should connect to City mains at his expense.

Domestic Water: Developer should pay appropriate fee to City for connection.

Storm Water: Storm water retention will be required. Design for 10 year storm per City standards.

Right-of-Way Improvements: Roadway development should be extended across the eastern frontage.

2. Conclusions: Pursuant to the recommendations of the Department of Fire Services, fire hydrants and adequate fire flow should be on line prior to the issuance of the building permit. The installation of fire alarms in the proposed building should also be verified prior to issuance of an occupancy permit. The applicant should improve the access road along the full length of his eastern frontage. A storm water management system should be submitted for the review and approval of the Public Services Department.

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact:

- a. Topography. The subject property is generally flat with slightly higher elevations along the railroad tracks sloping gently west toward the lake.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS, continued

- C. 1. b. Soils. Local soil mapping indicates that the subject property is located partially within an alder-wood association and partially within an indianola association. Such soils are normally used for urban development.
- c. Geology. Local geologic mapping indicates that the subject property is located within a vashon till (Qt) unit.
- d. Hydrology. There are no known water courses on or near the subject property.
- e. Flora/Fauna. Four trees presently exist on the subject site.

2. Conclusions:

Topography/Soils/Geology/Hydrology/Flora/Fauna. No relevant conclusions.

D. PUBLIC UTILITIES:

1. Statements of Fact:

- a. Streets. The subject property is served from 7th Avenue South which connects to a frontage roadway along the Burlington Northern right-of-way. The applicant has proposed to extend this roadway in order to serve the proposed addition. 5th Street South, 6th Avenue South, and 5th Avenue South currently serve only residential areas. Some employees of the industrial users in the area do use these alternate streets as access to State Street, usually after work.
- b. Sewer. The existing Genie Industries building, as well as the surrounding uses, are served by 6-inch sewer lines in both 6th Avenue South and 7th Avenue South.
- c. Water. The existing buildings in the area are serviced by 6-inch and 10-inch water mains in the right-of-way of 5th Street South.
- d. Storm Drainage. This proposal would add approximately 28,000 square feet of impervious surface to the subject property in addition to the parking.

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## II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS, continued

### D. 2. Conclusions:

- a. Streets. The applicant should be limited to the level of truck service approved with the previous CUP's.
- b. Sewer/Water. The availability of these surfaces do not impose a constraint upon the proposed development.
- c. Storm Drainage. The applicant should be required to maintain storm water runoff at pre-development levels.

### E. NEIGHBORHOOD CHARACTERISTICS:

#### 1. Statements of Fact:

- a. Zoning. The subject property is zoned Planned Area 6B: RS 5000/LI. A two acre tract immediately north of the subject property is zoned similarly. Land to the south of the existing building is zoned similarly, although without the RS 5000 provision. Land within the planned area which lie to the west of 5th Street South are designated for residential densities of RS 5000. Lands east of the Burlington Northern tracks are outside of the planned area and are zoned Light Industrial.
- b. Land Use. There are a total of 11.2 acres in Planned Area 6B which could potentially be developed for Light Industrial use. Of this total, only 4.13 acres (about 37%) are now developed (3.3 acres of Pace National Corporation and .83 acres for the existing Genie Building). A 7.07 undeveloped acres are distributed in three ownerships: 1.8 acres are owned by Pace National, 1.97 acres which constitute the subject property and 2.5 acres which lie immediately north of the subject property. To the west are single family detached homes and some multi-family structures. Also, industrial uses lie across the tracks to the east.

#### 2. Conclusions:

- a. Zoning. This proposal meets the substance and intent of the relevant chapters of the Kirkland Zoning Ordinance.
- b. 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. Screening requirements and the location of structures on the site would appear to represent

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS, continued

E. 2. b. reasonable levels of visual impacts on surrounding areas.

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

1. Statements of Fact:

a. 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 is made to the subject area on pages 242 and 244 of the plan.

2. Conclusions:

The applicants' proposal apparently meets the intent of the relevant sections of the Land Use Plan.

III. APPENDICES

Exhibits "A" through "G" are attached.

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R-2549

# Genie Industries

504 7th Avenue South  
Post Office Box 626  
Kirkland, Washington 98033  
206/827-0464

RECEIVED  
AUG 4 1978  
PLANNING DEPARTMENT

August 1, 1978

Mr. Gerald F. Link  
Director  
Dept. of Community Development  
CITY OF KIRKLAND  
Kirkland, WA 98033

Dear Mr. Link:

Enclosed is our request for a site plan revision for the development of our property. We are seeking an amendment to the existing Conditional Use Permits CUP-77-62(P) and CUP-78-18(P). The change of the site plan would be consistent with the intent of the relevant sections of the Land Use Policy Plan and would not have a significant adverse impact upon the environment.

As you know, we have been working with the Planning staff on proposed uses for this property for the past two years. During this time, Genie Industries' needs as a tenant have changed. We know that the present expansion already approved by the Planning Commission for the existing Genie building, will not, at this time, provide adequate space for our company.

The revised site plan drawings show that we are taking the previously approved resolutions and combining them into a single building on the north end of our property. We would maintain all required items stated in resolutions R-2462 and R-2538. Truck traffic would remain similar to what it would be under the approved resolutions. The additional space would allow us to store greater amounts of material, increase our shop efficiency through better material flow, spread out our currently cramped office space, but the total number of employees initially would not be effected.

The proposed amendment offers significant advantages to the surrounding community.

- 1.) The required burm would be extended the whole length of the property.
- 2.) The offices would be located on the west side of the building, 10-12' high constructed of appealing to the eye wood products, and would cause the building to be set back an additional 30'.
- 3.) This would be the last construction project for the property. The community would not be interrupted with future construction. This one building would finish the development of the property.

Exhibit "A"  
Letter from Ward Bushnell  
CUP-78-18(P)REV  
Ward Bushnell/Genie Ind.

# Genie Industries

504 7th Avenue South  
Post Office Box 626  
Kirkland, Washington 98033  
206/827-0464

- 4.) Traffic flow would be less because there would be fewer tenants in the overall development and only two buildings on the total site.
- 5.) The tenant in the new building would be Genie Industries, a proven good neighbor and employer. (Currently three of our employees live in the surrounding community and walk to work.)

We would like to ask that you present this request for an amendment to the Planning Commission as soon as possible. Because there would be site work involved, our contractor has advised us that if we have to wait for a full CUP hearing in November he would not recommend building on the site until after the winter rains. This additional delay could probably make it necessary for Genie Industries to move to another location. It would be to the advantage of Kirkland and Genie Industries for us to maintain our present location. Our intent would be to begin construction immediately upon receiving approval of the amended site plan.

Cordially yours,

GENIE INDUSTRIES

*Ward Bushnell*  
Ward Bushnell  
Vice President

WB:lh