

RESOLUTION NO. R- 2560

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-78-41(P), BY LAKE WASHINGTON SCHOOL DISTRICT NO. 414, TO ALLOW A PUBLIC FACILITY WITHIN A RESIDENTIAL SINGLE FAMILY 35,000 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 Lake Washington School District No. 414, 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 hearing thereon at their regular meeting of October 12, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 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-78-41(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,

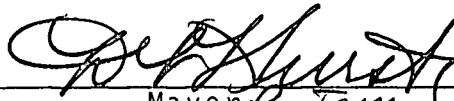
Section 5. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland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

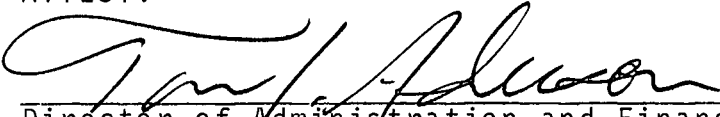
ADOPTED in regular meeting of the City Council on the 6th day of November , 1978.

SIGNED IN AUTHENTICATION thereof on the 6th day of November 1978.



 Mayor Pro-Tem

ATTEST:



 Director of Administration and Finance
 (ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XXX RECOMMENDED BY _____ DATE October 12, 1978
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-78-41(P)

APPLICANT LAKE WA. SCHOOL DIST. #414

PROPERTY LOCATION SW of the intersection of 122nd Ave. N.E. & N.E. 90th St.

SUBJECT CONDITIONAL USE PERMIT for new building & parking area in School Dist. service yard.

HEARING/MEETING DATE November 6, 1978

BEFORE KIRKLAND CITY COUNCIL

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

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL

1. This is an application for a Conditional Use Permit to allow a public facility within a residential single family zone. The specific improvements proposed include the removal of several small sheds, building of a 30 x 120 single story structure and a reconfiguration of the existing parking. 54 parking stalls are proposed. In addition, a small amount of structural maintenance on the two existing buildings would occur.
2. The subject property is located immediately southwest of the intersection of 122nd Avenue NE and NE 90th Street.

B. RECOMMENDATIONS:

Subject to the Statements of Fact, Conclusions, and Exhibits "A" through "D" contained herein, we recommend approval of this Conditional Use Permit subject to the following conditions:

1. Prior to issuance of Building Permits applicant shall submit for review and then record a "No Protest" agreement to half street improvements where the subject property abuts N.E. 90th Street and 122nd Ave. N.E. Said agreement shall be in a form approved by the City Attorney.
2. The entire lot area to be used for driving surface shall be graveled.
3. Prior to issuance of Building Permits, the applicant shall submit a detailed landscaping plan for review and approval by the Department of Community Development and the Parks Department. The main emphasis of such plan should be the enhancement of a vegetative buffer along the eastern portion of the property.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. GOVERNMENTAL COORDINATION:

1. Statements of Fact:

- a. Public Services Department. Sanitary Sewer is not available. Domestic Water is supplied through King County Water District No. 81. Half-street improvements to match the existing improvements on the east side of Albertson's should be provided along 122nd Avenue NE and NE 90th Street. The large equipment storage area in the center of the property may be more appropriately improved with a gravel surface rather than paving as large vehicles will likely be stored there.
- b. Fire Department. Access, as shown, is adequate for emergency response. Existing fire hydrants are adequate. Existing fire flow is adequate.
- c. Police Department. Access is adequate. No public safety concerns with this project.
- d. Parks Department. We would want a landscape plan to be reviewed by our Department.
- e. Building Department. The subject property will be in Fire Zone 2. There are no other relevant comments at this time.

2. Conclusions: (See below.)

B. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact:

- a. Topography. The subject property is essentially flat.
- b. Vegetation. The subject property contains a variety of vegetation including a grassy lawn area on the north and northeast portions of the property and scattered trees primarily on the perimeter of the property.

2. Conclusions. The applicant should incorporate the existing trees into the landscaping wherever feasible.

C. PUBLIC UTILITIES:

1. Statements of Fact:

- a. Streets. The subject property fronts on 122nd Avenue NE and NE 90th Street. Both rights-of-way are partially improved with paving but no curb, gutter, or sidewalk.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. 1. Continued

b. For other utilities, see Public Service comments above.

2. Conclusions: The applicant should provide half-street improvements where the subject property abuts 122nd Avenue NE and NE 90th Street. These half-street improvements should match the existing improvements within 122nd Avenue NE where that right-of-way abuts the property immediately to the south of the subject property.

D. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact:

a. Zoning. The subject property as well as property immediately to the west of the subject property is zoned Residential Single Family 35,000 square feet minimum lot area. The property immediately to the south of the subject property is zoned Community Business. To the north and east of the subject property are properties within the jurisdiction of King County.

b. Land Use. The subject property currently contains the existing plant facility site of the Lake Washington School District (See Exhibit "C"). The property immediately to the south of the subject property contains the existing Albertson's Shopping Center. To the east and west of the subject property are a variety of single family residences. To the north of the subject property across NE 90th Street is an existing church.

2. Conclusions: With proper landscaping the proposed final improvements on the subject property would not be incompatible with surrounding land uses. However, to reduce the incompatibility of this use with the surrounding residential uses the applicant should provide a 15' wide landscape buffer along the western property line, a 5' landscape buffer along the southern property line, and a 20' wide landscape buffer along the southern portion of the eastern property line. In addition, along the north property line and along the northern portion of the eastern property line the applicant should provide additional landscaping in way of street trees.

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

1. Statements of Fact:

a. Section 23.34.040(4) of the Kirkland Zoning Ordinance reads in part as follows:

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

E. 1. a. Continued

"Construction: All required off-street parking areas shall be surfaced to a standard comparable to the public street providing access thereto."

- b. Section 23.56.050 of the Kirkland Zoning Ordinance reads in part as follows:

"Purpose of a Conditional Use Permit: The purpose of a Conditional Use Permit shall be: (1) to assure by means of imposing special conditions and requirements on development, that the compatibility of uses, and the purpose of this Ordinance shall be maintained, considering other existing and potential uses within the general area of the proposed use."

- c. The Land Use Policies Plan designates the subject property as well as properties to the west of the subject property as appropriate for residential densities of 9 dwelling units to the acre.
- d. The requirements of the Zoning Ordinance are met in regard to the number of parking stalls provided.
- e. Section 23.08.100 of the Kirkland Zoning Ordinance reads in part as follows:

"Building Height, Permitted Uses: Permitted structures shall not exceed two stories or a height of twenty-five (25) feet, and in no event shall a permitted structure exceed a height of twenty-five (25) feet above the average elevation of a curb line or the average center line elevation of the abutting right-of-way providing access, if no curbs exist."

2. Conclusions:

- a. Although Exhibit "D" shows a building elevation for the new structure of 28 feet the applicants have redesigned their building such that the peak elevation will be no more than 25 feet above grade.
- b. Pursuant to Section 23.56.050 of the Kirkland Zoning Ordinance as quoted above, the applicant should provide substantial landscaping surrounding the subject property. The landscaping plan should conform to the conclusions contained in D. NEIGHBORHOOD CHARACTERISTICS above.
- c. The applicant should pave the parking area shown on the improvement plan. This area lies against the

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

E. 2. c. Continued

south property line and against the southern portion of the east property line. The remainder of the large central area should not be paved as large construction and maintenance equipment will be using this area. This area, therefore, need only be improved with gravel. Because of the additional paving and the other impervious surface proposed with this application, the applicant will be required to provide a storm water retention system for the subject property. The storm water retention system will be required to meet the standards of the Public Services Department. This storm water retention system will be approved along with any Building Permit for the subject property.

III. APPENDIXES: Exhibits "A" through "D" are contained herein.

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APPLICATION FOR A CONDITIONAL USE PERMIT

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant LAKE WASHINGTON SCHOOL DIST. #414 Phone 828-3299

Company Name _____

Mailing Address 8749 - 122nd NE City Kirkland Zip 98033

The undersigned applicant(s) is(are) the owners of the property described as follows: _____

Tracts 15, 16, 17, and 18, Block #37, Division 14, Burke & Farrar's
Kirkland Addition to the City of Seattle
located Southwest corner Northeast 90th Street and 122nd Avenue
Northeast

The above property was acquired by the applicant on the 19th day of March, 1912. The present zoning is R-6.

1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above: _____

CONTINUATION OF THE EXISTING USE FOR PUBLIC INTEREST
WITH THE LAKE WASHINGTON School DISTRICT

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MAY 26 1978

PLANNING DEPARTMENT

2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.

Exhibit "A"
Application
Lake Washington School
District
CUP-78-41(P)

(Answer on folio _____)
(Over)

P

2.

1) CONTINUATION OF THE EXISTING USE & OPERATION
2) PART OF THE OPERATION WILL BE HOUSED
UNDER STRUCTURE. THEREFORE THERE IS
A POSSIBILITY OF REDUCING NOISE & UNSIGHTLYNESS

3. Is the use or modification requested by this application for the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

The purpose is to consolidate & clean up
the existing service yard. Timing of the
long range development is not set at
this time.

A F F I D A V I T

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

Lake Washington School District #414, being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

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MAY 26 1978

Arnold F. Della
(Owner)

(Owner)

Subscribed and sworn to before me this 26th day of May, 1978.

BY g. y.

Steve M. Anderson
Notary Public in and for the
STATE OF WASHINGTON, residing at
Kirkland, WA 98033.

CUP