

RESOLUTION NO. R- 2582

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-78-91(P) BY BORGE M. MEYER AND KEITH T. RIFFLE TO CONSTRUCT 15 MULTI-FAMILY UNITS TO BE CALLED "GRANDEVIEW EAST" WEST OF THE INTERSECTION OF 4TH AVENUE AND 5TH STREET, BEING WITHIN PLANNED AREA 7 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 Borge M. Meyer and Keith T. Riffle, the owners of said property described in said application and located within Planned Area 7, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of January 18, 1979, 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, 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-78-91(P) are adopted by the Kirkland City Council as though fully set forth herein except for Recommendation 3.

Section 2. The Conditional Use Permit shall be issued to the applicants subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council together with the following: "The applicant shall grade and gravel 4th Avenue to a width of approximately 12 feet and provide landscaping (coniferous trees and shrubs) within that abutting right of way to roadway."

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 applicants from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

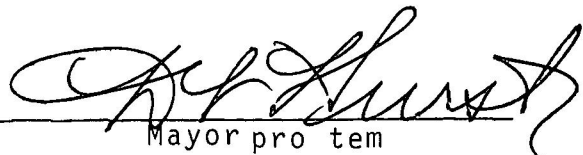
Section 5. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with the Kirkland Zoning Ordinance.

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) Project and Construction Management Department of the City of Kirkland
- (h) 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 February , 1979.

SIGNED IN AUTHENTICATION THEREOF on the 5th day of February 1979.



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 _____
XX RECOMMENDED BY _____ DATE January 18, 1979
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION _____
CITY COUNCIL AS INCORPORATED IN _____ Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER CUP-78-91(P)
APPLICANT Borge M. Meyer and Sons
PROPERTY LOCATION W. of intersection of 4th Ave. & 5th St.

SUBJECT CONDITIONAL USE PERMIT for 15 multi-family units "Grandevue East"

HEARING/MEETING DATE February 5, 1979
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Soils Report "C" Environmental Information "D" Vicinity Map/Land Use "E" Site Plan (Large Map) "F" Existing Features (Large Map) "G" Sections/Elevations (Large Map)

I. SUMMARY:

A. DESCRIPTION OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit to allow 15 multi-family units on 45,669 square feet of property. Thirty parking stalls are proposed on the eastern portion of the subject property. The structure, proposed to be approximately 30 feet in height, would be situated on the northern portion of the western part of the subject property.
2. The subject property is located west of the intersection of 4th Avenue and 5th Street.

B. RECOMMENDATIONS:

Based upon the Statements of Fact, Conclusions, and Exhibits "A" through "G" contained herein, we hereby recommend approval of this application for a Conditional Use Permit subject to the following conditions:

1. The applicant shall adhere to the recommendations contained within the Soils Report included as a part of Exhibit "B".
2. The applicant shall contact the serving solid waste utility and locate approved site-screened solid waste containers.
3. The applicant shall grade and gravel 4th Avenue to a width of approximately 12 feet and provide landscaping (coniferous trees and shrubs) within that ~~right of way~~. The location of the graded roadway and the location and nature of this landscaping shall be determined in consultation with the City and approved as part of the Building Permit. These improvements shall be complete prior to the issuance of any Certificate of Occupancy.
4. At the time of Building Permit application, the applicant shall submit a tree retention plan showing those trees over 6 inches in caliper which will be cut and which will remain, in accordance with the Kirkland Land Surface Modification Ordinance. Vegetation and groundcover should be retained to the maximum possible extent.
5. Prior to issuance of a Building Permit, the applicant shall deposit into the "Fee in Lieu of Open Space" Account of the Park and Municipal Facilities Cumulative Reserve Fund an amount equal to 6% of the assessed valuation of the subject property, or \$3000, whichever is greater.
6. The applicant shall provide a 5 foot wide concrete sidewalk where the subject property abuts 5th Street. This sidewalk shall be installed prior to the issuance of a Certificate of Occupancy to the subject property.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND: (Not applicable)

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department. The adequacy of emergency access and fire flow as well as the location and nature of required fire hydrants and alarm systems cannot be determined until a detailed set of building plans is submitted to this Department.
- b. Police Department. The access appears to be adequate as shown.
- c. Building Department. The building is located in Fire Zone 2. If the project is constructed as shown parapets will be required at the western point of the building. The building and site must be accessible to the physically disabled. A grading permit will be required and engineering design will be required for the rockery.
- d. Parks Department. The applicant should provide a 5 foot wide concrete sidewalk on 5th Street.
- e. Public Service Department. We would recommend that the applicant grade and gravel 4th Avenue such that that street would be treated essentially as an alley. The existing utilities appear to be adequate to serve the subject property.
- f. SEPA. A Declaration of Non-Significance was made by the Responsible Official on December 14, 1978.

2. Conclusions.

The applicant should grade and gravel 4th Avenue and provide landscaping (coniferous trees and shrubs) within that right-of-way. The location of the graded roadway and the location and nature of landscaping should be determined in consultation with the City and approved as part of the Building Permit. These improvements should be complete prior to the issuance of any Certificate of Occupancy. In addition, the applicant should provide a 5 foot wide concrete sidewalk where the subject property abuts 5th Street.

II. C. CITIZEN INPUT:

1. Statements of Fact.

Jim Landweer, owner of property to the east of the subject property, questioned the extent to which the proposed improvement of 4th Avenue with landscaping would set a precedent for similar improvements to 6th Avenue between 5th and 6th Streets.

Mike Smith of Bel-Kirk Heating and Sheet Metal indicated that he would be opposed to any proposed vacation of 4th Avenue.

2. Conclusions.

The recommended improvements to 4th Avenue set no precedent in regard to 6th Avenue.

D. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

a. Topography. The subject property slopes down steeply from north to south at a grade of approximately 28 percent. The southwest, northwest and northeast portions of the subject property are less steep. The applicant has submitted a soils engineering report which is included as part of Exhibit "B".

b. Vegetation. Vegetation on the subject property consists primarily of alder trees and normally associated undergrowth.

c. Hydrology. The southwest one-third acre of the subject property is relatively flat and swampy. This swampy area extends southward into and across the right-of-way of 4th Avenue.

2. Conclusions.

The applicant should adhere to the recommendations contained in the Soils Report included as a part of Exhibit "B". In addition, at the time of Building Permit application, the applicant should submit a tree retention plan showing those trees over 6" in caliper which will be cut and which will remain, in accordance with the Kirkland Land Surface Modification Ordinance. Vegetation and groundcover should be retained to the maximum possible extent.

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II.

E. PUBLIC UTILITIES:

1. Statements of Fact:

- a. Sanitary Sewer/Storm Sewer/Domestic Water. These utilities appear to be adequate to serve the subject property.
- b. Streets. The subject property fronts on 5th Street and 4th Avenue. 5th Street is a 60 foot wide right-of-way that is improved with curb and gutter but no sidewalk. 4th Avenue is a 60 foot wide right-of-way which is only slightly improved with a gravel and dirt roadway leading from 5th Street westward and serving the backside of several businesses along Central Way.

2. Conclusions.

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- II. E. 2. a. Streets. In the future, increasing pedestrian traffic can be expected to occur on 5th Street in the vicinity of the subject property because of the proximity to the Central Business District and the continuing development of the eastern portion of Planned Area 7. Therefore, the applicant should provide a permanent pedestrian facility where the subject property fronts 5th Street. This pedestrian facility should consist of a 5 foot wide concrete sidewalk.

No property along 4th Avenue between 4th Street and 5th Street is dependent upon 4th Avenue for access. For some time the eastern portion of 4th Avenue between 4th Street and 5th Street has been used essentially as an alley by businesses on the south side of that right-of-way. In addition, the development of 4th Avenue does not appear to be necessary to handle through traffic. In addition, the western portion of 4th Avenue is a swamp which contained approximately one or two feet of standing water in December of 1978. For these reasons the continued use of 4th Avenue as essentially an alleyway appears to be most appropriate. At the same time however, 4th Avenue does constitute the zone boundary between residential development to the north and commercial development to the south. To further define this boundary, some definition by means of landscaping would seem appropriate. For the specific conclusion regarding the improvement to 4th Avenue, see Conclusions under Governmental Coordination.

F. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is zoned Planned Area 7. This portion of Planned Area 7 allows for 12 units to the acre with just a Building Permit and up to 18 units to the acre with a Conditional Use Permit.
- b. Land Use. The subject property is currently vacant. The property to the northwest was recently granted a Conditional Use Permit for multi-family units at approximately 17 to 18 units to the acre. Property to the west and north of the subject property is vacant. To the southwest and further to the north of the subject property are properties which contain single family residences. Commercial uses exist on properties to the south and east of the subject property.

2. Conclusions.

This proposal is consistent with the zoning and land use in the area.

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

1. Statements of Fact.

The following extract from the Land Use Policies Plan (pages 329 and 330) is relevant to this proposal:

"The easterly portion of the Planned Area (east of 4th Street) is primarily undeveloped. The area has immediate adjacency to the Central Business District, and as such warrants an intermediate high residential density of up to 18 dwelling units per acre. Development in this area will need to conform to the following standards:

- (a) Topographic conditions and/or vegetative buffers (combined with wide setbacks) are to provide transition between the high density development in this area and the medium density residential areas to the north and west.
- (b) Existing amenities (namely, views and existing vegetation) are to be preserved to the greatest extent possible.
- (c) Access points and parking areas are to be oriented away from the surrounding medium density residential areas. Access should be primarily off 5th Street to this area."

At the time of the issuance of the Building Permit the applicant will be required to pay monies into the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund consistent with Section 23.10.110 of the Kirkland Zoning Ordinance.

2. Conclusions.

In regard to criteria (a) stated above, the subject property is not adjacent to any medium density residential area and consequently this criteria does not apply. In regard to criteria (b) no existing views will be significantly blocked and there is little significant vegetation on the subject property that will be removed under this proposal.

In regard to criteria (c) the subject property will access from 5th Street. In general, therefore, the applicant's proposal is consistent with the Land Use Policies Plan.

III. APPENDICES:

Exhibits "A" through "G" are attached.

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