

RESOLUTION NO. R-2586

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO A PREVIOUSLY AMENDED CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-78-18(P)(AMENDMENT), BY WARD BUSHNELL, dba GENIE INDUSTRIES, TO CONSTRUCT A WAREHOUSE/INDUSTRIAL TYPE BUILDING OF 24,000 SQUARE FEET IN LIEU OF A LARGER INDUSTRIAL STRUCTURE OF 28,000 SQUARE FEET APPROVED BY CITY OF KIRKLAND RESOLUTION NO. R-2549, 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 AMENDED CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an amendment to a previously amended Conditional Use Permit filed by Ward Bushnell, the owner of said property described in said application and located within a PLANNED AREA 6B zone, 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. 0-2319 concerning environmental policy of the State Environmental Policy Act, and as referenced in Resolution 2538, an environmental checklist was submitted to the City of Kirkland with the initial application to amend, was 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 most current proposed amendment is substantively the same as the previous amendment and is thus described by the previously reviewed environmental information, 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 previously amended 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-78-18(P)(AMEND) 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 Planning Commission recommendations hereinabove adopted by the City Council, with the following exception: Condition 2 makes reference to the Conditions of Approval for Resolution R-2549, all of which shall apply except for Item 2.a. which concerns the signing of a "no protest agreement" for roadway improvements.

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) Department of Project and Construction Management of the City of Kirkland
- (e) Parks Department of the City of Kirkland
- (f) Police Department of the City of Kirkland
- (g) Public Service Department of the City of Kirkland
- (h) The Office of the Director of Administration and Finance (ex officio City Clerk) of 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 _____

X PLANNING COMMISSION _____ *Paul Russell*

Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-78-18(P) AMEND

APPLICANT S. W. BUSHNELL, JR.

PROPERTY LOCATION Betw. 5th St. S. & BNRR, north of 7th Ave. So.

SUBJECT AMENDMENT TO APPROVED AMENDED CONDITIONAL USE PERMIT

HEARING/MEETING DATE February 5, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Prev. Approved Site Plan
"C" Current Proposal "D" Notice of Approval & Resolution R-2549

I. SUMMARY:

A. DESCRIPTION OF THE PROPOSAL:

1. This is an application by S. W. Bushnell of Genie Industries for an Amendment to an approved Amended Conditional Use Permit (File No. CUP-78-18(P) AMEND) to allow the construction of a single industrial structure of approximately 24,202 square feet, instead of the previously-approved 28,000 square feet. The subject property is approximately two acres in size and is located between 5th Street South and the Burlington Northern tracks and lies generally north of 7th Avenue South (see Exhibit "A" - Vicinity Map).
2. The proposed structure would have 4,200 square feet of office space on the western portion and approximately 20,000 square feet of warehouse space on the eastern portion (see Exhibit "C" - Current Proposal). Total parking requirements for this floor area is 34 stalls. The applicants have indicated 31 stalls on their site plan.
3. This proposed warehouse is approximately 4,000 square feet smaller than the previously-approved structure, is slightly lower in height than the previous structure, and is approximately at right angles to the long dimension of the previously approved structure. (Compare Exhibits "B" - Previously Approved Site Plan and Exhibit "C" - Current Proposal).

B. RECOMMENDATIONS:

Based upon the Statements of Fact and Conclusions contained herein and as identified in Exhibits "A" through "C", we hereby recommend approval of this application for an amendment to a previously approved Conditional Use Permit being Department of Community Development File No. CUP-78-18(P) AMEND as adopted by the City of Kirkland in Resolution No. R-2549, subject to the following conditions:

1. The applicant shall provide an additional three parking stalls as indicated on Exhibit "C" with small asterisks. Also, they shall provide landscaping in the areas shown on that exhibit with a diagonal cross-hatching and will install curb where noted. The selection of plant material may be coordinated with the Department of Community Development and the final configuration for the landscaped area and curb must be installed, inspected and approved by said department prior to the issuance of Certificates of Occupancy on the structure.
2. The applicant shall remain subject to all of the conditions of the Notice of Approval for the previously approved site plan (see Exhibit "D" - Notice of Approval and Resolution R-2549).

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

Three different Conditional Use Permits have been approved by the City within the past year and a half for the use of this property. The most current configuration of the site has resulted from the discovery that portions of the north-western part of the site contain fill materials which would be inappropriate for structural foundations. The most currently approved configuration for the site is illustrated on Exhibit "B" and was approved by City of Kirkland Resolution No. R-2549 on September 5, 1978.

2. Conclusions.

The applicants have attempted to comply with the required City procedures and dimensional regulations and their application for an amendment to the approved Conditional Use Permit is necessitated by previously unforeseen physical conditions.

B. 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. Applicant has proposed to extend this roadway in order to serve the proposed construction. Fifth Street South, 6th Avenue So. and 5th Ave. So. currently serve only residential areas. Some employees of the industrial users in the area do use these alternate streets as access to State Street.
- b. Sewer. The existing Genie Industries building, as well as the surrounding uses, are served by 6" sewer lines in both 6th Ave. So. and 7th Ave. So.
- c. Water. The existing buildings in the area are serviced by 6" and 10" water mains in the right-of-way of 5th St. So.
- d. Storm Drainage. The proposal would add approximately 24,000 square feet of impervious surface to the subject property in addition to the area covered by parking.

2. Conclusions.

- a. Streets. The applicant should be limited to the level of truck service which has been approved by the previous Conditional Use Permit. This corresponds to no more than five daily truck round-trips for each 6,250 sq. ft. of gross floor area by vehicles weighing 10,000

II. B. 2. a. (Cont'd)

pounds or more gross vehicle weight. Furthermore, no more than 40% of such truck trips shall be by vehicles that are either semi-truck trailer or weigh 24,000 pounds gross vehicle weight or more. These vehicles should be limited to the hours between 7:00 a.m. and 7:00 p.m.

- b. Sewer/Water. The availability of these services do not impose a constraint upon the proposed structure and development.
- c. Storm Drainage. The applicant should be required to maintain storm water runoff at pre-development levels.

C. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The property is zoned Planned Area 6B: RS-5000 and Light Industrial are the two permitted uses under a special review procedure. A two-acre tract immediately north of the subject property is zoned similarly. To the south of the existing Genie Industries building land is zoned similarly but without the option for RS 5000. Land within the Planned Area lying to the west of the 5th St. So. right-of-way 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. Properties to the east and south are currently being used for Light Industrial uses. Properties to the west are generally single family and some multiple (see Exhibit "A" - Vicinity Map). The property immediately north of the subject property is currently undeveloped.

2. Conclusions.

- a. Zoning. The most current proposal for the use of this property meets the substance 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 immediately adjacent to the railroad tracks to the south. Screening requirements and the location of structures on the site appear to represent reasonable levels of visual impact on surrounding areas. The configuration currently proposed will result in less visual impacts on the properties to the west.

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II. D. 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 applicant's most current proposal meets the intent of the relevant sections of the Land Use Policies Plan. The provision of a substantial landscape buffer along the western and northern boundaries will result in adequate screening from the residential areas.

III. APPENDICES:

Exhibits "A" through "D" are attached.