

RESOLUTION NO. R-2675

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-79-103(P) BY S. W. BUSHNELL, JR. TO ADD NEW FLOOR AREA FOR OFFICE USE, BEING WITHIN A LIGHT INDUSTRIAL 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 S. W. Bushnell, Jr., the owner of said property described in said application and located within a Light Industrial zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of October 18, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 concerning environmental policy and 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-79-103(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 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 resolution 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 as expressly set forth herein.

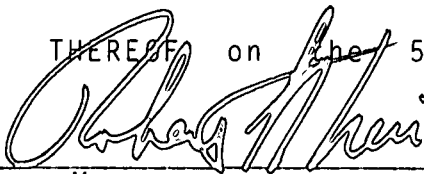
Section 5. Failure on the part of the holder of the Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland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

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

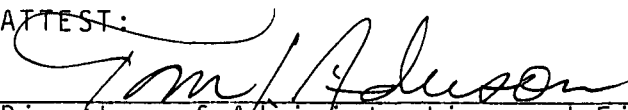
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

ADOPTED in regular meeting of the City Council on the 5th day of November, 1979.

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



Mayor

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 18, 1979

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____
Kay Haenggi
Kay Haenggi, Chairwoman

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CUP-79-103(P)

APPLICANT S. W. BUSHNELL, JR.

PROPERTY LOCATION 504 7th Ave. S.

SUBJECT CONDITIONAL USE PERMIT FOR GENIE INDUSTRIES TO ADD OFFICE FLOOR AREA.

HEARING/MEETING DATE NOVEMBER 5, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Checklist and Declaration "C" Vicinity Map "D" Existing Site Plan "E" Proposed Site Plan "F" Parking Design Recommended by DCD "G" Traffic Volume

I. SUMMARY

A. DESCRIPTION OF PROJECT:

Mr. Sherman Bushnell, Jr. is applying for a Conditional Use Permit to add 2,568 square feet of new floor area for office use. The addition will be inside an existing structure of 11,760 square feet located at 504 7th Avenue South, Kirkland. The project will require a reduction in landscape buffers, and a reconfiguration and expansion in parking. None of the exterior structural dimensions will be increased.

Major issues identified in the proposal include: compliance with standards for granting a Conditional Use Permit, reduction in landscaping, parking design, traffic volume and residential privacy.

B. RECOMMENDATIONS:

Based on analysis shown in the Statements of Fact, Conclusions, and Exhibits "A" through " " contained herein, staff recommends approval of the Conditional Use Permit application. This approval is subject to several conditions:

1. This application is subject to various requirements including the Land Use Policies Plan, the Kirkland Zoning Ordinance, the Kirkland Subdivision Ordinance, and the Uniform Building Code. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Any major changes, revisions or additions, constituting a departure from the approved site plan submitted by the applicant or developer shall be fully processed by the Planning Commission and the City Council in the same manner as a new Conditional Use Permit.
3. No more than 40% of truck trips shall be by vehicles that are either semi-truck trailer or weigh 24,000 pounds gross vehicle weight or more. These vehicles shall be limited to the hours between 7:00 a.m. and 7:00 p.m. These limitations shall not apply to private passenger vehicles, residential delivery vans, or garbage trucks.
4. Windows for the new addition shall be limited in size and placed above a seated person's line-of-sight to restrict views into adjacent residential yards.
5. Parking stall no.'s 20, 21, 26 and 27 shall be compact stalls. Stall No.'s 26 and 27 shall be parallel parking. Stall No.'s 9, 10, and 11 will be relocated to the southeast corner of the site and shall intrude into the landscape buffer. The landscape buffer adjacent to stall No. 12 will be modified to allow a backup and turn-around point for stall No. 12. The landscape buffer surrounding stall No.'s 9, 10 and 11 will be retained as much as possible. (See Exhibit "F")

- I. B. 7. Prior to issuance of a Grading Permit, the applicant shall:
 - a. Submit a more detailed site plan to show the revised parking stall design, and landscaping plan. This plan shall conform to the requirements of Section 23.34 and 23.40 of the Kirkland Zoning Ordinance and requires approval by the Department of Community Development.
 - b. Interim and permanent storm water retention plans shall be submitted and approved by the Department of Public Service.

8. Prior to issuance of a Building Permit, the applicant shall:
 - a. If the existing exterior lighting system is revised, the developer shall submit a lighting plan to the Department of Community Development for approval. Lighting shall be directed toward the building and away from surrounding properties. Down-spot lighting is highly appropriate for the site.
 - b. The building plan shall be revised to indicate the condition placed on window location and size.

9. Prior to issuance of Certificate of Occupancy, the applicant shall:
 - a. Replace dead trees in existing strip to the west, and add evergreen plant materials to visually obscure the site.
 - b. Retain and improve landscape buffer in the southeast corner if it is destroyed following parking stall placement.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS:

- A. 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.
 1. Applicant's response: "Yes. Metal fabrication shop and offices by Lucas California Company, an industrial refrigeration contractor."
 2. Statement of Fact: The site is located in Planned Area 6B, which allows office use under a Conditional Use Permit. The proposed new floor area for offices will require such a permit. The fabrication manufacturing portion complies with the present Light Industrial zoning and does not require review. The site is adjacent to a Residential Single Family 5,000 square foot zone.

The parking design does not meet standards required in Section 23.34 of the Zoning Code. Stall No.'s 9, 10 and 11 do not have 12 feet for turning distance. Stall No. 12 also requires a turning area. Some stalls will intrude into existing landscaping located between the site and Burlington Northern Railroad right-of-way.

The landscape buffer along the western edge is predominantly trees with foliage generally starting 4 feet above the ground.

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II. A. 2. (Cont'd)

3. Conclusions. Office use has been identified as a compatible use with special regulations. To meet Zoning Code, the parking lot must be redesigned according to Exhibit "F".

The landscape buffer along the western edge does not obscure the building and parking lot from the neighboring residences.

- B. 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.

1. Applicant's Response: "Offices being added are inside the building."
2. Statements of Fact: All access to the site is routed through a single family area, generally along 7th Ave. So. This street is identified in the Land Use Policies Plan as a minor residential street. Conditions to mitigate the impact of non-residential traffic have been established in an earlier Conditional Use Permit application by Genie Industries. This Conditional Use Permit allowed construction of an industrial building located just north of the subject structure. Regulation included truck tonnage, frequency and hours of operation as shown below:

"Truck traffic to the proposed structure on the subject property, via 7th Ave. So., shall total no more than 5 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). Furthermore, no more than 40% of such truck trips shall be by vehicles that are either semi-truck trailer or weigh 24,000 lbs. gross vehicle weight or more, which vehicles shall be limited to the hours between 7:00 a.m. and 7:00 p.m. These limitations shall not apply to private passenger vehicles, United Parcel Service vans, or garbage trucks. This ratio will amount to a total of 45 truck trips using 7th Ave So. 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 lbs. or more gross vehicle weight."

II. B. 2: (Cont'd)

The seven windows in the proposal front on the western edge of the building and look out over residential yards. The new windows are located at a second story level, and residential homes in the area are predominantly one story. The Land Use Policies Plan "Living Environment" under Policy Discussion states that single family neighborhoods should be preserved by severely restricting commercial, industrial, or high density residential uses. It goes on to state that, adequate criteria should be established to insure that the visual and acoustic characteristics of uses in (or near) single family neighborhoods do not exceed standards normally associated with such residential development.

3. Conclusions

The new floor area requires an increase in parking stalls and would generate new traffic. Residential inhabitants in the neighborhood are subject to new and cumulative traffic impacts as non-residential activities are expanded. Regulating traffic, particularly truck traffic, will keep the use compatible with the neighborhood housing. In reviewing conditions placed on adjacent industrial uses, it appears that regulating the number of trucks may not be feasible but that regulating truck tonnage and hours of operation are a concern. The condition allowing a certain number of vehicles per 6,250 square feet is not applicable as the permit application requests only 2,560 square feet of new floor area. However, while the amount of truck traffic is not likely to increase because of this small floor area, hours of operation and truck tonnage are presently unrestricted and will create an environmental detriment to the neighborhood. Therefore, hours of operation and truck tonnage are controlled.

In addition to increased noise and traffic, non-residential uses can also impact residential areas through invasion of privacy. That is, a two-story structure with windows overlooking small scale residential homes and yards gives the non-residential viewers an expansive vista. Windows can still be allowed along the facade, if these windows are placed above a seated person's eye level view, and are narrow. Because of the close proximity of residential homes and the narrow width of the landscaping buffer, window treatment is very important. The additional windows should not be allowed to invade residential privacy.

- C. If 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.

1. Applicant's response: "No."

II. C. 2. Statements of Fact

The existing structure has a history of light industrial use, as it was Genie Industries' original headquarters. The building was constructed prior to the Land Use Policies Plan adoption. Present zoning allows a light industrial use with office as a conditional use.

3. Conclusions

The use requested by this application is not a continuation or enlargement of a non-conforming use.

III. HISTORY OF THE SITE

A. A CHRONOLOGY OF DEVELOPMENT IS LISTED BELOW:

February 1975 - An approved Variance to reduce the front yard setback for an industrial building (Parcel "A") next to the old King County right-of-way. (V-75-01(B)).

February 1978 - An approved Variance to reduce the front yard setback for an industrial building to 5 feet (Parcel "B"). (V-78-4(B)).

September 1978 - An approved Variance request to reduce the front yard setback by 17 feet for a second structure on site (Parcel "B"). (V-78-58(B)).

June 1978 - A Conditional Use Permit to construct a warehouse/ industrial type addition to an existing building on Parcel "A". The building is the subject structure and the extension would allow an additional 6,720 square feet of area (CUP-78-18(P) Rev.).

February 1979 - An amendment to the Conditional Use Permit to allow the construction of a single industrial structure of approximately 24,202 square feet instead of the previously-approved 28,000 square feet (CUP-78-18(P) Amend).

August 1979 - A short subdivision to subdivide 2,533 area lot containing Parcels "A" and "B" into two new lots (K431W-79-88).

IV. DEVELOPMENT STANDARDS

The following development standards, policies and regulations pertain to the development on the property. However, the list does not include all of the requirements and it is the responsibility of the applicant to assure compliance with all provisions contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance and the Uniform Building Code.

1. Statements of Fact

a. Land Use Policies Plan

Living Environment-

Policy 2: Protect residential areas with established single family densities from encroachment by higher residential or by commercial or industrial uses. Design standards should include building heights, intensity of vehicular traffic, noise levels, landscaping, lighting, signing, appurtenant structures and other performance standards. (Page 50)

Policy 3: Retain and improve the residential character in neighborhoods where predominantly residential uses exist. Encourage improvements according to the following standards. (Page 52)

- Minimize the adverse impacts of traffic generated within these areas as well as adverse impacts from the traffic on the community road system. (Page 57)
- Maintain or provide adequate landscaping to preserve the visual integrity of residential neighborhoods. (Page 57)

State Street Neighborhood -

Page 273: Industrial uses permitted near railroad according to standards:

- (1) Industrial activities should not generate heavy volumes of truck traffic along residential streets. Excessive truck frequency, noise and hazard would constitute a serious nuisance for residential areas. Therefore, the expansion of existing industrial uses should be permitted only if traffic impacts on residential areas are minimal. New industrial uses should be required to access to the east.
- (2) Industrial operations (including manufacturing, processing, storage and shipping/receiving) must not be visible from nearby residential development. Such industrial operations must be oriented away from residential uses, and must be visually screened or completely enclosed within structures.

IV. DEVELOPMENT STANDARDS, (Cont'd)

- (4) Hours of operation should be considered on a case-by-case basis depending on the potential impact on the neighborhood. Industrial activities during evening or week-end hours may be permitted if they are not noticeable from nearby residential areas. The purpose of these requirements is to help maintain the residential character of nearby properties by limiting non-residential uses during hours when families are most likely to be together in their homes.
- (5) Industrial uses should not create excessive noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.
- (6) Adequate fencing, landscaping, and/or other visual screening should be provided between residential uses and adjacent industrial developments and their related parking.
- (7) Whenever feasible, parking should be located beneath structures in order to minimize impervious surfaces and reduce the visibility of parked vehicles from adjacent properties. Runoff from impervious surfaces should be controlled.

b. Kirkland Zoning Ordinance

23.34.020: Required number of spaces for manufacturing uses - 1 for each 2 employees, not less than 1 per 1,000 sq. ft. and for business office uses - 1 for each 300 sq. ft. of gross floor area of the building.

23.34.060: Mixed Occupancies' required number of spaces shall be the sum of the requirements for the various uses computed separately.

23.34.050: Off-Street Loading Space: An off-street loading space having access to a public thoroughfare shall be required adjacent to each business building hereafter erected or enlarged, if the use of such building entails deliveries to it or shipments from it.

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IV. DEVELOPMENT STANDARDS, (Cont'd)

23.34.040: Construction: All required off-street parking areas shall be surfaced to a standard comparable to the public street providing access thereto. A parking area shall be developed and completed to the required standards before an occupancy permit for the building is issued.

23.40.080. Industrial Zone. A protective strip of land 25 feet in width bordering the external boundaries of the LI zone shall be devoted exclusively to the planting, cultivation and maintenance of sight obscuring trees, shrubs and plants. Furthermore, an additional 5 percent of the total area of the development site shall be given over to landscaping and beautification in a manner to be mutually determined and agreed upon by the developer and the Planning Department. For the maintenance of such areas as well as the boundary protective strip, a bond to the City may be required by the Planning Department.

2. Conclusions.

- a. The single family living environment is protected by limiting the size and location of the new addition's windows, increasing landscape buffering along the parking area and restricting truck trip hours and gross weight.
- b. The State Street Neighborhood standards for permitted industrial uses are met by the Conditions of Approval, truck restriction and landscaping requirements.
- c. An off-street loading space is provided.
- d. The additional parking area shall be paved with asphalt like the existing parking lot.
- e. There is a protective strip of landscaping along the west side of the property abutting 5th Street South.

V. APPENDICES

Exhibits "A" through "F".