

RESOLUTION NO. R- 2709

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE INTENT TO REZONE PROVISIONS OF CHAPTER 23.62 OF THE KIRKLAND ZONING ORDINANCE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-79-105(P) BY TIM EASTER TO CONSTRUCT AN INDUSTRIAL PARK WITH TWO 18 FOOT HIGH BUILDINGS, A 6 FOOT PERIMETER FENCE, ASSOCIATED PARKING AND LANDSCAPING, AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RESIDENTIAL SINGLE FAMILY 8,500 TO LIGHT INDUSTRIAL.

WHEREAS, the Department of Community Development has received an application filed by Tim Easter as owner of the property described in said application requesting a permit to develop said property in accordance with the intent to rezone procedure established in Chapter 23.62 of Ordinance 2183; and

WHEREAS, said property is located within a Residential Single Family 8,500 zone and the proposed development is a permitted use within the Light Industrial zone; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meetings of December 20, 1979 and February 21, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319, 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 hearings 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 to the City Council approval of the proposed development and the intent to rezone pursuant to Chapter 23.62 of Ordinance 2183, all subject to the specific conditions set forth in said recommendation.

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. R-79-105(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A Development Permit, pursuant to the intent to rezone procedure of Chapter 23.62 of Ordinance 2183, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle, the request for reclassification from Residential Single Family 8,500 to Light Industrial, pursuant to the provisions of Chapter 23.62 of Ordinance 2183, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.

Section 4. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

Section 5. 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 the proposed development project, other than as expressly set forth herein.


Section 6. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2183, the Kirkland Zoning Ordinance.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

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


PASSED by majority vote of the Kirkland City Council in regular meeting on the 3rd day of March, 1980.

SIGNED IN AUTHENTICATION thereof on the 3rd day of March, 1980.



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 February 21, 1980
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 R-2709
DATE _____

FILE NUMBER R-79-105(P)

APPLICANT Tim Easter

PROPERTY LOCATION S. of Kirkland Ave., between BNRR & 6th St. S.

SUBJECT INTENT TO REZONE FROM RS 8500 TO LIGHT INDUSTRIAL

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Info. "C" Vicinity Map "D" Existing Site "E" Site & Landscape Plan "F" Plant List "G" Cross Sections of Buildings "H" No Protest Agreement "I" Stream Flow "J" Recommendations to Site Plan "K" Traffic Movement "L" Greenbelt Easement Document Wording.

I. SUMMARY:

A. Description of Proposed Action:

This is an Intent to Rezone application to change a section of a property zoned RS 8500 to Light Industrial. The applicant is Tim Easter of Easter Development Company and the property is located south of Kirkland Avenue, midway between Burlington Northern Railroad and 6th Street South. The northwest corner of the 2.23 acre property is zoned RS 8500 while the remaining land is zoned Light Industrial. The portion of land being requested for a Rezone has been designated in the Land Use Policies Plan as Light Industrial. The applicant proposes an Industrial Park with two 18 foot high buildings, a 6 foot perimeter fence, associated parking and landscaping. The proposal is adjacent to a residential neighborhood.

Some major issues are: tree retention and landscaping in the 25 foot setback buffer, residential scale and compatibility, stream protection, use of landscaped and stream areas, trespassing deterrent, right-of-way improvements, and truck traffic.

B. RECOMMENDATIONS:

Based on the major issues, statements of fact, conclusions and Exhibits "A" through "L" contained herein, we hereby recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these Ordinances and in particular those noted in the Development Standards Section of the Advisory Report.
2. Any changes, revisions or additions, constituting a major 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 Intent to Rezone application.
3. The applicant shall sign a "NO PROTEST" agreement for a future L.I.D. improvement of Kirkland Avenue or a similar agreement approved by the City Attorney and record the agreement with King County. The agreement will be for installation of curb and gutters and widening of the street (see Exhibit "H").

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4. No exterior lighting, windows or air conditioning equipment shall be placed on the outer west or north side of the west building facing 6th St. So. or Kirkland Avenue (see Exhibit "J").
5. Mechanical systems other than normal heating, circulation or plumbing vents, shall not be installed on the roof of either building. The height of the vents shall not exceed the minimum height as required by the Uniform Building Code.
6. To preserve and maintain the stream in its natural state, the applicant shall record with King County a greenbelt easement along the stream measured 50 ft. from the center line of the stream on each side of the stream where no clearing, building or alteration shall be allowed with the exception of landscaping, ordinary maintenance and repair and a minor bridge structure for passive recreational use. (See Exhibits "J" and "L").
7. The applicant shall retain all trees in the 25 foot setback buffer, and provide a 10 ft construction area between the south portion of the west building and the setback buffer and a 5 foot construction area between the north portion of the west building and the setback buffer to retain these trees (see Exhibit "J").
8. On the final site plan, the applicant shall:
 - a. Reduce the west building to provide a 25 ft. setback buffer and a 10 ft. construction area along the west and north property lines with the exception of the narrow northwest portion of the building (see Exhibit "J").
 - b. Indicate a greenbelt easement 50 feet from the center of the stream on each side and note that no clearing, building or alteration shall be allowed to occur within the boundaries of this easement, with the exception of landscaping, ordinary maintenance and repair, and a minor bridge structure for passive recreational use.
9. At the time a Grading Permit application is submitted, the applicant shall:
 - a. Designate a 25 foot wide 'NO CLEAR CUTTING' and 'NO GRADING' area along the west and north setback buffer areas for the construction stage.

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- b. Designate a 'NO CLEAR CUTTING' and 'NO GRADING' area near the stream in the southwest corner of the property, 10 feet from the southern end of the building (see Exhibit "J").
 - c. Stake and string brightly colored construction tape along the 25 foot wide 'NO CLEAR CUTTING' area boundary. 'NO GRADING' is allowed within this area. (See Exhibit "J"). This shall be inspected and approved by the Department of Community Development before any on-site grading is allowed.
 - d. Submit a tree retention plan showing all trees over 6" in caliper lying outside the 'NO CLEAR CUTTING' buffer area which are to be saved. Trees so indicated shall be staked and marked accordingly at their drip line.
10. At the time a Building Permit application is submitted, the applicant shall:
- a. Submit a lighting plan in conformance with Condition No. 4 and the Performance Standards of the Kirkland Zoning Ordinance.
 - b. Submit a detailed landscaping plan for the 30 to 35 foot setback buffer area in conformance with Condition No. 11.c. for Department of Community Development's approval.
11. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Install a 6 foot high solid wood fence along the west, north and east property lines, except along the north entrance area. (See Exhibit "J"). The fence shall be designed so as to withstand normal weather damage. The property owner is responsible to maintain the fence in good condition and to keep undergrowth from protruding over the fence for the lifetime of the property's industrial use. The fence shall be installed so that the structural beams face toward the subject property.
 - b. Install a 5 foot concrete walkway in front of the property along the public right-of-way of Kirkland Avenue.

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- c. Provide a 30 to 35 foot landscape buffer for the west and north perimeter area and for the north frontage road entrance of the property. The buffer shall include all existing trees and supplemented with a variety of deciduous and evergreen fast-growing trees, 3 offset rows, 10 feet on center and 8 feet tall.
- d. Paint the buildings a neutral color.
- e. Submit a two-year landscaping maintenance bond once the landscaping has been planted and approved by the Department of Community Development.
- f. Create a comprehensive sign program to unify all on-site signs and submit to the Department of Community Development for approval. No signs shall be placed on the perimeter of the west building facing 6th St. So. and Kirkland Avenue.
- g. Plant 15 Silverberry shrubs 5 feet on center along the south corner of the property between the two buildings to screen the parking from the Light Industrial uses on the other side of the railroad tracks (See Exhibit "J").
- h. Install a picnic table near the south wall of the west building and a bench on the lawn to the south of the stream.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS:

A. Tree Retention and Landscaping in the 25 foot buffer setback.

1. Statements of Fact.

- a. The perimeter of the west and north property area is vegetated with 10 foot to 30 foot tall deciduous trees and dense undergrowth. The trees stand in groups of 2-5 with 5 ft. to 20 ft. between each cluster of trees.
- b. The property has a 2.5% slope to the south and to the east.
- c. The Kirkland Zoning Ordinance Section 23.40.080 requires a minimum 25 foot wide, sight obscuring landscape buffer when an industrial zone is adjacent to a residential use.

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- d. The subject property is adjacent to a RS 8500 neighborhood.
- e. The west building, located adjacent to the RS 8500 homes will be 429 feet long along the west property lines and 174 feet long along the north property lines (See Exhibit "J").
- f. The west and east buildings will be 18 feet in height and will be stepped to follow the 2.5% slope (see Exhibit "G").
- g. To retain the trees, the Building Department has determined that a 10 foot constructin area is needed between the west building and the 25 foot vegetated buffer for the building footings and grading work.
- h. The applicant is proposing a 30 foot setback along the west and north property lines (See Exhibit "E").
- i. With a projected 25% office use and 75% ware-house use, the applicant has proposed 20 extra stalls than are required by the Kirkland Zoning Ordinance.

2. Conclusions.

- a. To mitigate the impact of the massive building length, the proposed southwestern portion of the west building should be set back 35 feet and landscaped with a tall, dense, vegetated buffer.
- b. The existing tall deciduous trees in the buffer area should be retained to provide an immediate site obscuring buffer of the 18 foot tall and 174 ft.-429 ft. wide buildings.
- c. To prevent the dense natural undergrowth from invading the lawns of the adjacent residents or to avoid constant maintenance of the undergrowth, a 6 foot high solid, wood fence should be installed along the west and north perimeters of the subject property.

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- d. To avoid reducing the proposed building square footage for the 35 ft. landscaped buffer, the applicant can remove some of the additional parking stalls and extend the buildings into the parking lot area.
- e. As required by Section 23.40.080 of the Kirkland Zoning Ordinance, additional fast-growing trees, 3 offset rows, 10 feet on center and 8 feet tall, must be added where needed to provide a heavily vegetated buffer.

B. RESIDENTIAL SCALE AND COMPATIBILITY:

1. Statements of Fact.

- a. The west building will be 18 feet tall to provide for a 14 foot high truck loading door and for 4 feet of structural roof support.
- b. The west building will be 174 to 429 feet long.
- c. The surrounding neighborhood to the west and north of the subject property is low density residential.
- d. The applicant proposes a stepped, flat top warehouse roof (see Exhibit "G").
- e. Exterior lighting, windows and air conditioning equipment cause noise, glare and infringement on privacy in the adjacent residential neighborhood.

2. Conclusions.

- a. The applicant requires building heights of 18 feet to accommodate 14 foot high trucks and 4 feet of roof structural support.
- b. To retain the residential privacy and tranquility, no exterior lighting, windows or air conditioning equipment should be placed on the outer west and north side of the west building.

C. STREAM PROTECTION

1. Statements of Fact.

- a. The stream runs from the south, across the southern corner of the subject property and north to Kirkland Way (see Exhibit "I").

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- b. On the subject property, the stream is 1 to 3 feet wide and 1 to 2 feet deep with a full and steady flow.
- c. The City of Kirkland's Land: Natural Elements report of 1970 stipulates that no new structure should be constructed closer than 50 feet from the center of the natural stream. A drainage easement for maintaining natural water flow should be required 50 feet on each side of the small water course. (Page 67).
- d. The applicant proposes to locate the west building 50-55 feet from the stream and to leave the area around the stream undeveloped.

2. Conclusions.

- a. To ensure that the stream's natural water flow is maintained in the future, the applicant should record a greenbelt easement on each side of the stream 50 feet from the center of the stream or to the property line where no clearing, building or alteration should be allowed with the except in of landscaping, ordinary maintenance and repair, and a minor bridge structure for passive recreational use.

D. USE OF LANDSCAPED AND STREAM AREAS

1. Statements of Fact.

- a. The landscaped setback buffer area and the stream protection area to the west and south of the west building will not be used for storage, parking or as buildable sites.
- b. The industrial complex will be used by office and warehouse personnel.
- c. There is a residential neighborhood to the west and north of the landscaped setback buffer area. To the south of the stream protection area are the railroad tracks and more industrial uses.
- d. The western and northern sides of the west building will have no exterior windows. The southern side of the west building will have office windows facing the stream protection area.

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- e. The stream protection area will be developed with a lawn and a bridge crossing the stream for passive recreational use.

2. Conclusions.

- a. The installation of exterior windows on the southern side of the west building will allow office personnel to enjoy the stream and landscaping, while not infringing on the adjacent residents' privacy (see Exhibit "J").
- b. As noted in Condition No. 11(i), the applicant should install a picnic table near the west building's south wall and a bench on the lawn south of the stream to accommodate office personnel use (see Exhibit "J").
- c. As noted in Condition No. 4, exterior windows should not be installed on the west or north sides of the west building facing the landscaped setback buffer so as not to cause glare or infringe on the adjacent residents' privacy.

E. TRESPASSING DETERRENT

1. Statements of Fact.

- a. There is a 3 foot high, two board, open residential fence along the southern portion of the west property line and a cyclone residential fence along the northern portion of the west property line.
- b. There is a dense vegetated undergrowth growing over or through the residential fences to the west from the subject property.
- c. The Police Department has recommended that a 6 foot high fence should be placed along the west and north borders of the subject property to discourage unauthorized persons from trespassing on the property.

2. Conclusions.

- a. A 6 foot high solid wood fence should be installed along the entire perimeter of the west and north property lines.

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F. RIGHT-OF-WAY IMPROVEMENTS

1. Statements of Fact.

- a. To improve pedestrian access, concrete sidewalks have been required throughout the City.
- b. A concrete sidewalk has been installed on the north side of Kirkland Avenue as a part of a multi-family development.
- c. There are no sidewalks on the south side of Kirkland Avenue.
- d. The City of Kirkland has no immediate plans to improve Kirkland Avenue, but installation of curb, gutter and sidewalks and widening of Kirkland Avenue will eventually occur.
- e. The cost of installing a concrete sidewalk is approximately \$10.00 per linear foot. For the subject property, the cost would be approximately \$1,000.00.

2. Conclusions.

- a. The Public Service Department has recommended that a 5 foot concrete sidewalk be installed in the public right-of-way in front of the subject property.
- b. The Public Service Department has recommended that a "NO PROTEST AGREEMENT" be signed and recorded with King County for a future L.I.D. improvement of Kirkland Avenue to include installation of curb and gutters and widening of Kirkland Avenue (see Exhibit "H").

G. TRUCK TRAFFIC.

1. Statements of Fact.

- a. In the Land Use Policies Plan, Kirkland Avenue is designated as a minor vehicular access street which feeds into Kirkland Way and 6th Street South. (See Exhibit "K")

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- b. Puget Power pole yard is located to the east of the subject property and has numerous vans and trucks traveling on Kirkland Avenue.
- c. The applicant does not know what type of use will occupy the proposed industrial complex, but he has indicated that there probably will be light industrial firms located on the site using primarily small trucks and vans.
- d. The west building, the 6 foot high fence, and the landscape buffer will screen truck loading and unloading, truck storage and truck movement within the industrial complex from the adjacent properties to the west.
- e. The east building, the 6 foot high fence, and landscaping will screen truck movement within the industrial complex from the adjacent properties to the east.
- f. The applicant has proposed 64 parking stalls. With a projected 25% office use and 75% warehouse use, the Zoning Ordinance would require 44 parking stalls.

2. Conclusions.

- a. The projected truck traffic will not cause a significant disruption to the residential and industrial uses in the neighborhood.
- b. Restriction of the hours of operation is not practical or realistic in that it is impossible to enforce.
- c. 6th Street South, a secondary arterial and Kirkland Way, a collector arterial, can handle the minor increase in truck volume from the proposed industrial complex.

III. BACKGROUND

A. Statements of Fact

- a. Approximately 75% of the subject property is zoned Light Industrial, while 25% is zoned RS 8500. The property is vacant and vegetated with deciduous trees and native undergrowth.

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- b. To the west, there is a single family neighborhood which is zoned RS 8500. To the east lies the Puget Power pole yard which is zoned Light Industrial. To the north, land uses include single family homes and a new multifamily complex with the area designated in the Comprehensive Plan as multi-family at 10 to 14 dwelling units per acre. To the south, on the west side of 6th Street South, the area is zoned RS 5000, PO, LI. South across the railroad tracks, there are vacant lands, offices and some industrial use.

2. Conclusions.

- a. With a 30 to 35 foot landscaped buffer along the west and north property lines and with a 6 foot high, solid wood fence bordering the property, the proposed 18 foot high industrial complex should not be disruptive to the adjacent residential neighborhood.
- b. The proposed industrial complex is compatible with the uses to the east and south.

B. HISTORY OF APPLICATION

1. Statements of Fact.

- a. The applicant applied for an Amendment to the Comprehensive Plan together with a Rezone to change the designation of the 2.23 acre property from Light Industrial and RS 8500 to RM 3600. The application was denied by the Planning Commission on April 19, 1979 and an appeal was denied by the City Council on June 18, 1979.
- b. The Planning Commission denied the application because the unanimous opinion of the neighborhood residents present at the hearing opposed the proposed policy change, and because conditions within the neighborhood had not significantly changed since the adoption of the Comprehensive Plan to warrant an amendment to the Land Use Policies Plan.
- c. At the April 19, 1979 hearing, the residents stated that a Light Industrial use would be less disruptive than a multi-family use.

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d. On January 21, 1980, the Planning Commission continued the application for an Intent to Rezone from RS 8500 to LI until February 21, 1980.

2. Conclusions.

In light of the past hearings, the application for an Intent to Rezone would be acceptable to the neighborhood residents and would be consistent with the Land Use Policies Plan.

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IV. DEVELOPMENT STANDARDS

1. Statements of Fact.

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 and the Kirkland Zoning Ordinance.

a. Land Use Policies Plan.

Page 58: Living Environment Policy 3(d.).

"Limit the height and bulk of structures to dimensions which are reasonably compatible with the character of surrounding residential uses.

The scope, scale and design of all uses and structures in a residential area should be compatible with the existing residential character in the area.

Non-residential uses should be appropriately landscaped to retain the residential appearance of the neighborhood. Since new plantings may take years to reach maturity, existing vegetation should be maintained as much as possible."

The following policies address the Everest Area and the subject property:

Page 280: The policy emphasis for the Everest area is to encourage a range of residential densities while also permitting economic activities compatible with the character of the surrounding uses.

Page 281: Streams are to be maintained or restored when feasible in a natural condition and allow for natural drainage.

Page 286: Light Industrial are permitted west of 6th St. So. and along the railroad. Industrial areas located near residential uses have been designated for "planned light industry" and are, therefore, subject to greater restrictions than other industrial areas. In order to minimize conflicts with nearby residential uses, industrial activities must conform with the following standards:

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- (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.
- (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.
- (3) The height of structures associated with industrial activities may not exceed 20 feet near the perimeter of the development.
- (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 weekend 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 nonresidential 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.

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(8) Areas designated for "planned light industry" are subject to all of the standards listed above, with two additions. In areas designated for planned light industry, structures may not exceed 20 feet in height. Furthermore, all industrial operations must occur within structures.

Page 289: Prior to occupancy of the new development, the water, sewer or drainage facilities should be extended and/or upgraded to meet the requirements of designated land use for the area. Furthermore, methods must be implemented to maintain surface runoff at pre-development levels.

Page 289: Undergrounding of utilities is to be actively encouraged.

b. Kirkland Zoning Ordinance

Section 23.40.100. Required Yards: No parking shall be allowed in required yards.

Section 23.36.080. Construction and Equipment Activities: In areas where noise and vibration from construction activities is an irritant or nuisance to the surroundings, these activities shall be limited to the hours between seven a.m. (7:00) and eight p.m. (8:00) on weekdays, and prohibited on Sundays, unless permission to do so is explicitly granted by the Planning Department in which case the Police Department shall be immediately notified.

Section 23.36.090. Exterior Lighting: Exterior artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will be reflected away from a residential use.

Section 23.36.100. Glare or Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.

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7 Section 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% 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.

Section 23.40.040. Screening of Parking Areas: Off-street parking areas provided in LI zones shall be sight screened from the view of adjoining properties by either a 6-8 foot high fence or a strip at least 4 feet high and 4 feet wide, densely planted with shrubs or trees.

c. Fire Department Operating Policies.

Policy No. 4: All buildings constructed in the City of Kirkland shall be served by hydrants installed as required in this policy.

Policy No. 6: Access easements shall have "NO PARKING - FIRE LANE" signs posted.

d. Land: Natural Elements. Page 67, No. 3. Major stream tributaries, including smaller streams, ravines and drainage way, are also to be considered part of the natural drainage system. No altering, filling or dumping of refuse and wastes should be permitted in proximity to these tributaries. No new structure should be constructed closer than fifty (50) feet from the center of the natural stream or low point in the swale or ravine, or within the fifty (50) year flood plain, whichever is greater. A drainage easement for maintaining natural water flow, should be required 50 feet on each side of the small water course.

2. Conclusions.

a. The proposed industrial complex is compatible with the uses to east and south.

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- b. With a 30 to 35 foot vegetated setback buffer, the proposed industrial complex would not be disruptive to the residential uses to the north and west.
- c. The stream, located in the southwest corner of the property, shall be maintained in its natural condition and allow for natural drainage with a recorded greenbelt easement.
- d. The applicant has indicated that there will probably be light industrial firms using the site with primarily small truck and van traffic.
- e. Industrial operations will be obscured from view by the long west building and a 6 foot high solid wood fence bordering the property.
- f. The height of the structures do not exceed 18 feet near the perimeter of the development, but cannot be regulated.
- g. Industrial activities during evening and weekend hours should not occur.
- h. As a Condition of Approval, lighting, windows and electrical equipment shall not be placed on the outer west and north walls of the west building. All lighting placed in the interior loop of the complex shall be down-spouted and hooded.
- i. Parking shall be adequately screened from Kirkland Avenue and the adjacent properties.
- j. The applicant has provided a 25 foot landscaped buffer and an additional 5% of the total property area as landscaping for beautification.
- k. "NO PARKING - FIRE LANE" signs shall be required in various locations. See site plan for specific locations (Exhibit "J"). Contact Kirkland Fire Department for specific requirements.
- l. One "on-site" fire hydrant will be required. See site plan for specific location (Exhibit "J").
- m. A minimum fire flow of 3850 gallons per minute will be required. This fire flow is based on the buildings being VN construction and unsprinklered. If the buildings are sprinklered and more fire resistive construction are used, then the required flow can be reduced accordingly.

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- n. A fire alarm system will be required in all undivided areas exceeding 6,000 square feet.
- o. The type of building construction will determine what type of occupancies may occupy the buildings. The Kirkland Fire and Building departments shall be notified as to what type of businesses will make applications to occupy the building.
- p. The applicant shall improve the public right-of-way with a concrete sidewalk to be consistent with the sidewalk improvement installed across the street along Kirkland Avenue.
- q. On the final site plan, the applicant shall:
 - (1) Remove the first parking stall in the north entrance which is in the required front yard and replace it with the adjacent screening planter area (see Exhibit "J").
 - (2) Indicate a parapet along the portion of the east building which borders on the east property line (see Exhibit "J") as required by the Building Department.
- r. At the time a Grading Permit application is submitted, the applicant shall submit an interim storm water drainage and retention system design to the Public Service Department for their approval.
- s. At the time a Building Permit application is submitted, the applicant shall submit a permanent storm water drainage and retention system design to the Public Service Department for their approval.
- t. Pave and stripe the parking lot and driveway.

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V. ALTERNATIVES

- A. The applicant can apply for a building permit and construct an industrial complex in the area zoned Light Industrial.
- B. The applicant can retain the proposed building square footage, reduced for the 35 foot landscaped buffer, by removing some of the extra parking stalls and extending the building into the parking lot.
- C. The applicant can diminish the length of the west building by designing two smaller structures.

VI. APPENDICES

Exhibits "A" through "L" are attached as a part of this report.

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