

RESOLUTION NO. R-2772

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. CZ-80-62, BY TEXACO, INC. TO ADD A LUBE BAY AT THE EXISTING TEXACO STATION BEING WITHIN A COMMUNITY BUSINESS 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 Texaco, Inc., the owner of said property described in said application and located within a Community Business zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of November 6, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 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, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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 Chairman thereof and filed in the Department of Community Development File No. CZ-80-62 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 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 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 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 Departments 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 17th day of November, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of November, 1980

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Director of Administration and Finance  
(Ex officio City Clerk)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
X RECOMMENDED BY \_\_\_\_\_ DATE November 6, 1980  
\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
\_\_\_ STAFF \_\_\_\_\_  
\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_  
\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
XX PLANNING COMMISSION Kay Haenggi  
Kay Haenggi, Chairperson  
\_\_\_ CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER CZ-80-62  
APPLICANT Texaco, Inc.  
PROPERTY LOCATION 12221 NE 124th St.

SUBJECT Conditional use Permit for lube bay addition at Texaco Station  
HEARING/MEETING DATE November 17, 1980  
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Existing Plan with Proposed Lube Bay "D" Topography "E" Existing Building Elevation "F" Ralph Swanson letter of 10/22/80 "G" Planter, Buffers, Outdoor Tire Storage, Parking Areas & Sign Removals & Reduction "H" Lisle Guernsey Letter of 10/28/80 "I" Harvey Dodd's letter of 10/30/80

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Mr. J. R. LaJambe has submitted a Conditional Use Permit to construct a lube bay addition at the existing Texaco Service Station in the Totem Lake area. The property is located at 12221 N.E. 124th Street in a Community Business zone of a Freeway Interchange District. The applicant proposes to construct a 9 foot wide by 40 foot long lube bay attached to the west side of the existing service station. The lube bay will be used to do light auto maintenance including tire mounting. The Texaco Service Station has two lube bays currently on the site (see Exhibit "C").

The major issues are signage, landscaping, outdoor storage, street improvements, noise, parking and compliance with the standards for granting a Conditional Use Permit.

B. RECOMMENDATIONS

Based on the major issues, facts, conclusions and Exhibits "A" through "I" 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.
2. The applicant must conduct the lube bay work in a manner to mitigate any noise nuisance.
3. Prior to the issuance of a Building Permit for the lube bay addition, the applicant shall:
  - a. Remove the 120 square foot "Texaco" modular freeway sign (see Exhibit "G").

11/6/80  
10/29/80  
3217A/bk

- b. Submit a sign package for the entire site to the Department of Community Development staff for their approval provided that the total allowable sign square footage is not exceeded. The applicant can choose to retain the existing signs greater than 30 square feet and include them in the sign package (see Exhibit "G").
  - c. Submit a detailed plan for a 4 ft. wide planter with landscaping along the entire west property line, except for the triangle access easement, with the Building Permit application for Department of Community Development's approval. The landscaping planter shall contain evergreen shrubs and trees, 4 feet high at planting and provide a year round screen (see Exhibit "G").
  - d. Remove the tires and any other accessory items displayed or stored outdoors and place inside an enclosed structure, with the exception of oil can racks (see Exhibit "G").
  - e. Submit a frontage fee of \$11 per linear frontage foot of property for street improvements along N.E. 124th Street.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Install minimum 4 foot wide landscaped planter along the entire west property line, except for the triangle easement (see Exhibit "G").
  - b. Submit a two-year maintenance bond for the landscaping in the planter area once the planter has been installed and approved by the Department of Community Development (see Exhibit "G").

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. SIGNAGE

#### 1. Statements of Fact.

##### a. Kirkland Zoning Ordinance

Section 23.32.030 - Signs in BC Zones:  
Announcement of all permitted uses.  
Size in square feet: two per horizontal or vertical linear foot of face of building.

Section 23.32.040 - Commercial Signs:  
Advertising sign height shall be limited to the actual height of the primary use structure.

Section 23.32.100 - Standards of Approval for A Sign Conditional Use Permit:

- (1) A permitted sign shall generally be attractive on all visible sides. There shall be no back side consisting of obviously visible braces and structures that could materially affect other properties.
- (2) Each business development under one ownership shall have not more than one principal sign oriented to a single street. Existing business developments under one ownership, revising their signs, shall have not more than one principal sign oriented to a single street.
- (3) A permitted sign shall be to scale in size and height with the building and the premises to which it is appurtenant.
- (4) A permitted sign shall demonstrate an integral relationship to the design of the building and the premises to which it is appurtenant, in its shape, its detail, its materials, and its color.
- (5) Changes in an existing sign shall require the same review and approval as a new sign.

Section 23.32.160(2) - Non-Conforming Signs: ... any sign constructed prior to the effective date of the ordinance (May, 1972) shall either be modified to conform to the requirements of this Ordinance or be removed within one year from the effective date of the Ordinance ... or be declared a nuisance.

11/6/80  
10/29/80  
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Any sign which is non-conforming with respect to advertising sign height and was constructed prior to the effective date of this Ordinance shall either be modified to conform to the requirements of this Ordinance or be removed within 5 years ... or be declared a nuisance.

Section 23.46.140 - Automobile Service Station Signs:

Exterior signs shall be subject to the applicable requirements of Chapter 23.32 of this Ordinance and shall be limited to:

- (1) One major company identification sign;
- (2) Two signs giving the current price of gasoline;
- (3) Three accessory signs not over 10 square feet each in size.

b. Land Use Policies Plan.

Economic Activities

Policy 5(e) - Control the use of signs:

"There should be control of the use of free-standing signs and the size and number of wall mounted signs. In the competition to achieve increased visibility, commercial activity usually creates a confused array of advertising signs. Strip signing should be restricted to a manner in which the signs inform the motorist of available services without competing for attention or detracting from traffic safety signing." (Page 96)

Totem Lake Area:

Signing for interchange activities should not exceed signing permitted for other local activities. The State Highway Department should be encouraged to develop and install along the Interstate informative signing related to services and activity areas. (Page 400).

- c. The Texaco Service Station is located on N.E. 124th St., southeast of the I-405 Totem Lake exit (see Exhibit "B").
- d. Existing signage on the site and the allowable signage is as follows (see Exhibits "C" and "G").

No. ( ) Labelled  
 on Exhibit "G"

Existing

Allowed

(1)	One 120 sq. ft. (30' x 4') "Texaco" free-standing freeway sign on two poles approximately 60' high. The sign has 6 foot high letters.	Sign not allowed under Zoning Ordinance. (Sign is non-conforming.)
(2)	One 32 sq. ft. (2' x 16') "Texaco" sign mounted on the face of the building.	1 accessory sign not over 10 sq. ft. in size. (Sign is non-conforming.)
(3)	Two 6 sq.ft. each (1' x 6") "Texaco" signs mounted on each side of the chimney.	2 accessory signs not over 10 sq. ft. each in size.
(4)	One 28 sq. ft. (4' x 7') "Texaco" free-standing sign on a base 17 feet high.	1 major company sign.
(5)	One 40 sq. ft. (5'x 8') "Discount Gas" free standing tripod sign.	2 signs giving the current price of gas.
(6)	Two 48 sq. ft. (24' x 2") "Standard Tire" groundmounted signs.	Sign not allowed under Zoning Ordinance. (Signs are illegal.)
(7)	One 16.5 sq. ft. (3.3' x 5') "Texaco-We Can Help Your Car" portable sign.	Sign not allowed under Zoning Ordinance. (Sign is illegal.)

TOTAL SIGNAGE IS 344.5 SQUARE FEET

TOTAL SIGNAGE ALLOWED IS 92 SQ. FT. (46 SQ. FT. X 2 = 92).  
 With new lube bay, there is an additional 18 sq. ft. for a new total of 110 sq. ft.

Total number of signs is 9

Total number of signs allowed is 6.

11/6/80  
 10/29/80  
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- e. The Texaco Service Station exceeds the total amount of signage allowed by 252.5 square feet and has two more signs in number than are allowed. With the proposed lube bay area, the site has 234.5 square feet of excessive signage (see Exhibits "C" and "G").
- f. The property was part of the Totem Lake annexation on March 4, 1974 (see Exhibit "B").
- g. The applicant has indicated that all of the signs were erected when the Texaco Service Station was built in December, 1970 (prior to the effective date of the Kirkland Zoning Ordinance) with the exception of the two "Standard Tire" ground mounted signs, the "Discount Gas" tripod sign and the portable sign. The "Standard Tire" signs were erected approximately 18 months ago without Conditional Use or Sign Permits. The "Discount Gas" tripod sign recently replaced a "Mechanic on Duty" sign without Conditional Use or Sign Permits. The 16.5 sq. ft. portable sign was placed recently on the site without a permit (see Exhibits "C" and "G").
- h. The 120 sq. ft. "Texaco" freeway sign, standing 60 feet in height, is non-conforming because the sign exceeds the one-story height of the service station building and because the total allowable signage and number of major identification signs were exceeded for the site when the property annexed to the City of Kirkland. At that time, the service station had 228 square feet of signage when 92 square feet were permitted and had two major identification signs when one was permitted. The sign was never removed or modified within the one year time period after the property annexed into the City as required under Section 23.32.160(2) (see Exhibits "C" and "E").

11/6/80  
10/29/80  
3217A/bk

- i. The 32 sq. ft. "Texaco" sign mounted on the building is non-conforming because it exceeds the minimum size of 10 sq. ft. required for service station accessory signs. The 32 sq. ft. and the two 16 sq. ft. "Texaco" signs are non-conforming because the total allowable signage was exceeded for the site when the property annexed to the City of Kirkland. The signs were never removed or modified within the one year time period after the property annexed into the City as required under Section 23.32.160(2) (see Exhibit "C").
- j. The 40 sq. ft. "Discount Gas" tripod sign and the 16.5 sq. ft. portable sign are illegal because the signs were erected without a Conditional Use Permit and/or a Sign Permit and are non-conforming because the total allowable signage already was exceeded for the site when the signs were erected (see Exhibits "C" and "G").
- k. The two 48 sq. ft. "Standard Service" signs are illegal because the signs were erected without a Conditional Use Permit and a Sign Permit and are non-conforming because the total allowable signage and number of permitted 10 sq. ft. accessory signs were exceeded for the site when the signs were erected (see Exhibit "C").
- l. The non-conforming signs were never removed or modified when the business annexed into the City of Kirkland (see Exhibit "C"). The signs are considered a nuisance under Section 23.32.160(2).
- m. The State Department of Transportation has erected a motorist information sign along I-405 near the N.E. 124th Street exit identifying "Food and Gas Next Right" at the freeway interchange area. The State Department of Transportation will not erect individual business logos on urban freeways because of the overwhelming number of businesses at each intersection (see Exhibit "B").

11/6/80  
10/29/80  
3217A/bk

n. Existing signage on other sites in the area are as follows (see Exhibit "B"):

BC BUSINESS

SIGNS WITH A CONDITIONAL USE PERMIT

1. TOTEM VILLAGE UNION 76 SERVICE STATION AND CAR WASH, located at N.E. 124th St. & Kingsgate Way

The Building is 60 ft. long and total signage allowed is 120 sq. ft. (60' x 2')

One 31.5 sq. ft. free standing, 17 feet in height major identification sign. One 21 sq. ft., face-mounted canopy price sign.

One 43 sq. ft., face-mounted canopy car wash sign.

Total signage is 95.5 sq. ft.  
\*Permit issued April 5, 1976

2. VIP's RESTAURANT, INC. located at the N.E. corner I-405 and N.E. 124th Street.

The building is 71 feet wide and total signage allowed is 142 sq. ft. (71' x 2')

One major identification sign no larger than 47.82 sq. ft. and not over 20 feet in height.

Total signage is 47.82 sq. ft.  
\*Permit issued January 19, 1976.

3. MOBIL OIL CORPORATION located at N.E. 85th and 120th Ave. N.E.

The building is 62.6 ft. long and total signage allowed is 142 sq. ft. (62.6' x 2').

One major identification sign no larger than 45.83 sq. ft., ground mounted, and not over 10 ft. in height.

Total signage is 45.83 sq. ft.  
\*Permit issued March 21, 1977.

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3217A/bk

2. Conclusions

- a. To bring the Texaco Service Station into conformance with the Kirkland Zoning Ordinance Sections 23.32.030, 23.32.040, 23.32.100 and 23.32.160(2) and to be consistent with the intent of the Land Use Policies Plan - Policy 5, the applicant shall remove the 120 square foot "Texaco" modular 60 foot high freeway sign and submit a sign package for the entire site to the Department of Community Development staff for their approval provided that the total allowable sign square footage is not exceeded. The applicant can choose to retain the existing signs greater than 30 square feet and include them in the sign package (see Exhibit "G").

Removal of the 120 square foot "Texaco" sign and submittal of a sign package totalling 110 square feet will make the Texaco Service Station's signage consistent with that allowed under the Code (55 ft. x 2 ft.).

- b. The 120 square foot freeway sign must be removed because it became non-conforming when the property annexed into the City and was never removed within the one year time period as required under Section 23.32.160(2).
- c. The 120 square foot freeway sign should be removed and a sign package reducing the number and size of signs should be submitted because other service stations and restaurants in the area and in a nearby freeway interchange district do not have signs exceeding the height of the buildings and total signage exceeding the amount allowed under the Code. Removal of the freeway sign and reduction of the number and size of signs will make the Texaco Service Station compatible in appearance with the nearby businesses (see Exhibit "B").

11/6/80  
10/29/80  
3217A/bk

- d. The 120 sq. ft. "Texaco" freeway sign should be removed because the State Department of Transportation already has erected a sign along the freeway noting gas service.
  
- e. Removal of the freeway sign and reduction of other signs would mitigate the nuisance situation of a confused array of advertising signs created on the site.

B. LANDSCAPING

1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.46.090 - Auto Service Station Landscaping

There shall be special emphasis on screen plantings along the interior lot lines of the property and at the corner of the intersecting rights-of-way if on a corner lot. Reference: Section 23.40.060.

Section 23.40.060 - Landscaping:

11/6/80  
10/29/80  
3217A/bk

Off-street parking areas provided in a BC zone shall be sight screened from view from adjoining properties by:

A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen within three years, measured with reference to the elevation of the parking or loading area.

b. Land Use Policies Plan - Economic Activities

Policy 5(f) - Minimize Visual Impacts: "Landscaping both within and around the edges of such areas can serve to provide visual relief and sharpen the identity of spaces, as well as help to decrease surface runoff". (P. 96).

c. The railroad tracks are on the east and south sides of the property (see Exhibit "B").

d. The Texaco Service Station currently has approximately 3,737.5 sq. ft. of landscaping (16% of the site). There are planter areas along the north and part of the east property lines. However, there are no planter areas or natural vegetation along the west, south and part of the east property lines (see Exhibit "C").

e. An access easement to the Swanson property to the west exists in the frontage triangle parcel along the west property line (see Exhibit "G").

f. The applicant proposes to construct a lube bay attached to the west side of the service station (see Exhibit "C").

g. Car movement on the property occurs along the west side of the property for gas, oil and water services and auto repairs. Cars are parked along the east property line. Both west and east sides of the property are not screened by vegetation from the adjacent properties (see Exhibits "C" and "G").

2. Conclusions

- a. To bring the Texaco Service Station into compliance with the intent of Kirkland Zoning Ordinance Sections 23.46.090 and 23.40.060, the applicant must install a minimum 4 ft. wide planter along the entire west property line, except for the triangle access easement, and vegetate with evergreen shrubs and trees, at least 4 ft. high at planting which form a dense year around screen in 3 years. The applicant shall submit a landscape plan of the planter area with the Building Permit application for Department of Community Development's approval. A two-year maintenance bond is required once the landscaping is installed and approved.
- b. Vegetated screening is not required along the east and south sides because of railroad use.

C. OUTDOOR STORAGE

1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.46.100 - Auto Service Station Outside Operations: There shall be no outside storage or display of tires or other items for sale, with the exception of oil can racks.

Section 23.36.120 - Performance Standards - Junk:

In no zone will there be permitted a collection of junk, scrap, unlicensed cars or parts of cars, equipment, abandoned sheds or buildings which are detrimental to the health, safety and general welfare of the neighborhood, except where specific provisions are made concerning such items in the ordinance governing a use zone.

b. Land Use Policies Plan

11/6/80  
10/29/80  
3217A/bk

Economic Activities

Policy 5(f) - Minimize Visual Impacts:

"Visual impacts should be minimized in order to maintain the character of adjacent uses, shield outdoor storage areas and remove on-site debris and wastes." (page 96).

- c. The Texaco Service Station has tires displayed and stored outdoors (see Exhibit "G").

2. Conclusions

To bring the Texaco Service Station into compliance with Sections 23.46.100 and 23.36.120 of the Kirkland Zoning Ordinance and the Land Use Policies Plan's Policy 5(f), the tires and any other accessory items displayed or stored outdoors must be removed and placed inside an enclosed structure with the exception of oil can racks.

D. STREET IMPROVEMENTS

1. Statements of Fact

- a. N.E. 124th Street will be improved in 1981 as part of the City's Six-Year Road Improvement Plan. Improvements will include additional lanes, curbs, gutters, sidewalk, signalization and railroad crossing improvements (see Exhibit "B").
- b. The Public Service Department requires a frontage fee of \$11 per linear front foot of property in lieu of half street improvements from all developments along N.E. 124th Street.

2. Conclusions

The applicant must submit a frontage fee of \$11 per linear frontage foot of property for street improvements along N.E. 124th Street.

11/6/80  
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3217A/bk



E. NOISE

1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.46.110 - Auto Service Station Noise:

Service station operation shall at all times be conducted in a manner that will minimize adverse effects on adjacent land uses as to noise.

Section 23.36.060 - Performance Standards - Noise Levels:

The intensity level of sounds shall not exceed 60 decibels at any point of any boundary line of the lot on which the use is located in a BC zone. The sound level shall be measured with a type of audio output meter approved by the Federal Bureau of Standards. Objectionable noise due to intermittance, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Section 23.36.070 - Performance Standards - Sound Pollutions:

Notwithstanding the standards established in the foregoing subsection, the production of sound frequencies, levels or quality of sound found to be injurious to health or destructive to property may be summarily caused to be abated.

b. Land Use Policies Plan - Economic Activities

Policy 5(e) - Regulate measurable environmental effects: "... minimize possible adverse impacts on adjacent uses, as well as the entire community. These policies seek to ... assure safe and compatible levels of noise, lighting, radiation, and other such factors." (page 92).

11/6/80  
10/29/80  
3217A/bk

- c. The Texaco Service Station will do light auto maintenance and repairs and change tires in the new lube bay (see Exhibit "C").
- e. Normal maintenance and repair of automobiles creates a certain degree of noise associated with service stations. Tire changing with an automatic air wrench can cause an objectionable noise due to the shrillness of the device.
- f. Mr. Ralph Swanson, owner of the property to the west of the site, is considering the construction of a restaurant and/or motel on his property (see Exhibit "B"). In his letter dated October 22, 1980, he indicates his "concern over noise from power equipment at the Texaco, Inc ... because of the tire changing activity that would be taking place ...." (see Exhibit "F" and "I").

2. Conclusions

To be in conformance with the Zoning Code, the applicant must assure that the 60 decibel sound level is not exceeded at the property lines. It is the responsibility of the applicant to determine the method or manner in achieving the sound level limit.

F. PARKING

1. Statements of Fact

- a. Kirkland Zoning Ordinance - No. of Parking Spaces Required

Automobile sales and repair - A minimum of 4 spaces

Retail commercial enterprises - 1 each  
300 sq. ft. of gross floor area

11/6/80  
10/29/80  
3217A/bk

- b. The Texaco Service Station is required to have 5 parking stalls on the site for the existing building (1,426 sq. ft. of gross floor area ÷ 300 sq. ft.) and one additional parking stall with the new lube bay area (1,705 sq. ft. ÷ 300 sq. ft.)(See Exhibit "C").
- c. The Texaco Service Station has a 45 ft. long parking area along the southeast property line between the phone booth and the vending portico available for 5 cars and a 40 ft. long parallel parking area next to the east planter for 2 cars (see Exhibit "G").
- d. Mr. Ralph Swanson indicates in his letter dated October 22, 1980 that cars associated with the Texaco, Inc. business are parking on his vacant property. Once Mr. Swanson decides to develop his site, the additional area will not be available for parking (see Exhibit "B").

## 2. Conclusions

In the event that the new lube bay creates additional demand for parking beyond the 6 required by the Kirkland Zoning Ordinance, the applicant will need to locate an additional parking area on the site. The area along the south property line behind the service station is one possible parking area for consideration which can be accessed by a double door through the lube bay or by a modification to the structure (see Exhibit "C").

## G. COMPLIANCE WITH THE STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT

### 1. Applicant's Responses to Section 23.56.110 (see Exhibit "A").

- 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. "Use does not change. Additional bay provides more space to service customers cars."

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3217A/bk

- 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. "Existing use will not change and therefore there will be no change in noises, etc. The existing business has proven to be economically feasible and sound. The additional bay will merely allow operator to better serve customers."
- 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 modification is for the continuation and enlargement of a conforming use. The improvements will be completed in approximately two months after the permit is obtained."

2. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.18.030 - Conditional Use:

Automobile service stations are a permitted use.

11/6/80  
10/29/80  
3217A/bk

- b. Land Use Policies Plan has designated the area for Freeway Oriented Commercial use (p. 355).
- c. The modification to the Texaco Service Station is in a Business Commercial zone (see Exhibit "B").
- d. The Texaco Service Station has operated from the site since December, 1970 (see Exhibit "C").

### 3. Conclusions

- a. The modification is within the intent of the Ordinance and in the public interest because the use is permitted in the zone and it dispenses necessary freeway commercial services.
- b. The modification is not in a residential zone and the service station business has operated from the site for nearly 10 years.
- c. The modification is not a non-conforming use.
- d. The use and standards as defined in the Land Use Policies Plan are met once the Recommendations in I.B. have been completed concerning signage, noise, landscaping and outdoor storage.

## III. BACKGROUND

### A. SITE

#### 1. Statements of Fact

The Texaco Service Station is on a 22,681 sq. ft. parcel (.52 acres) in a Business Commercial zone of a Freeway Interchange District. The property was developed in December, 1970 and was annexed into the City of Kirkland on March 4, 1974 as part of the Totem Lake area annexation (see Exhibit "B").

11/6/80  
10/29/80  
3217A/bk

B. NEIGHBORHOOD

1. Statements of Fact

To the north of the subject property across N.E. 124th St. is the Union 76 Totem Village Car Wash and the VIP's Restaurant. To the east and south is the Simpson's Building Supply Company and the railroad tracks. To the west is the vacant property owned by Mr. Ralph Swanson and Associates (see Exhibit "B").

IV. APPENDICES

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

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11/6/80  
10/29/80  
3217A/bk

City of Kirkland  
Department of Community Development

APPLICATION FOR A CONDITIONAL USE PERMIT

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

Name of Applicant J. R. LaJambe, Area Constr. Engr. Phone 827-0761

Company Name TEXACO Inc.

Mailing Address 10602 NE 38th Place City Kirkland Zip 98033

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

SEE ATTACHED

The above property was acquired by the applicant on the 18th day of January, 1971. The present zoning is B.C.

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: Use does not change. Additional bay

provides more space to service customers cars.

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 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.

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(Answer on following p

EXHIBIT "A"  
APPLICATION  
C7 10.12

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 10 ACRES OF THE NORTH 30 ACRES OF SAID SUBDIVISION: THENCE NORTH 1°43'38" EAST ALONG THE WEST BOUNDARY OF SAID EAST 10 ACRES TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET: THENCE SOUTH 89°17'27" EAST ALONG SAID SOUTHERLY MARGIN 110.00 FEET MORE OR LESS TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY AND THE TRUE POINT OF BEGINNING: THENCE NORTH 89°17'27" WEST 200.00 FEET: THENCE SOUTH 89°17'27" EAST 26.81 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF THE NORTHERN PACIFIC RAILWAY COMPANY; THENCE NORTH 41°35'58" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE 264.56 FEET TO THE TRUE POINT OF BEGINNING.

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