

RESOLUTION NO. 2813

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AMENDMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CZ-80-37 (AMENDMENT), BY BRIAN LURIE TO AMEND EXISTING CONDITIONAL USE PERMIT TO ADD ~~ONE~~ PARKING STALL TO A PROFESSIONAL OFFICE SITE BEING WITHIN A PLANNED AREA 5B ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT AMENDMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit Amendment filed by Brian Lurie, the owner of said property described in said application and located within a Planned Area 5B zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of March 19, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 Amendment 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 Chairperson thereof and filed in the Department of Community Development File No. CZ-80-37(Amendment) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit Amendment 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 Amendment 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.

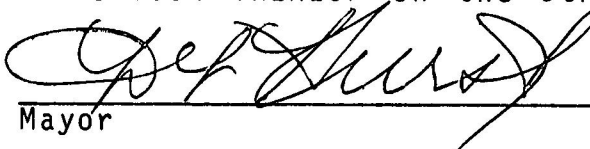
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit Amendment is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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.

Passed by majority vote of the Kirkland City Council on the 6th day of April, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of April, 1981.



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

4642A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE March 19, 1981
____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

Carol Goddard
Carol Goddard, Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CZ-80-37 (Amendment)

APPLICANT Brian Lurie

PROPERTY LOCATION S.E. corner 6th St. and N.E. 84th St. in PLA-5B

SUBJECT Conditional Use Permit Amendment to add parking

HEARING/MEETING DATE April 6, 1981

BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Proposed Site Plan "D" Approved Landscape Plan "E" Area Computations (submitted by applicant) "F" List of Projects and Pictures

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Brian Lurie has applied for an amendment to an existing Conditional Use Permit (CZ-80-37) (Amendment) to add four parking stalls ("X" on Exhibit "C") to a professional office site. This Conditional Use Permit was approved by the City Council on August 4, 1980. Total office space is slightly under 8400 square feet. The approved site plan was based on a parking ratio of one stall per 300 square feet gross floor area, as required by code for non-medical professional office space. However, the applicant has recently been contacted by some doctors who wish to lease space in his building. A letter from the applicant regarding this situation is attached to Exhibit "A". The square footage requested by the doctors is 2,075 square feet, requiring 10.3 parking stalls instead of the 6.9 stalls required for non-medical offices. This may be rounded to an original requirement of 7 parking stalls, and a new requirement of 10 stalls (a difference of 3, rather than 4 as the applicant proposes). The site is located at the southeast corner of 6th St. and N.E. 84th St., in Planned Area 5B, and is presently under construction.

The major issue in this application is compliance with Conditional Use Permit criteria.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions, and attached Exhibits, we hereby recommend approval of this application for a Conditional Use Permit Amendment subject to the following conditions:

1. Stalls north and east of Building 1 are not approved.
2. The areas north of Building 1 and around the additional stall west of Building 1 shall be landscaped.

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?

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1. Applicant's response: "Yes, the modification fits within the intent of the Zoning Ordinance. In the approved CUP (Advisory Report) Recommendations 1-6, the approval states 'The site plan shall incorporate only the number of stalls required by code.'. Not knowing who the tenants would be, we conformed to the code with one stall for each 300 square feet. Anymore stalls would have been excessive and consequently not allowable. In February we were approached by three doctors who want space in the buildings. They have put up deposits and signed agreements.

We need four additional parking stalls which can be installed within the zoning limitations. Parking for doctors is one stall for each 200 square feet as opposed to one stall for each 300 square feet. There are a few alternatives to the location of the additional stalls. We are amenable to a site plan revision, (allowing for the additional stalls) that is acceptable to the Planning Department and/or Planning Commission.

Public Interest. The three doctors are long time Kirkland residents and practitioners. They want to expand and modernize their facilities which will be to the advantage of their patients. Furthermore, these doctors will be centralizing in a one-stop location with good freeway access conveniently located across from the Kirkland Parkplace Center."

2. Statements of Fact
 - a. The intent of the Kirkland Zoning Ordinance is to provide adequate and safe parking for various uses. The 1:200 parking ratio for medical office facilities is deemed to be adequate by the provisions of the Zoning Ordinance.
 - b. The additional parking stalls north and east of Building 1 are located in previously approved landscaped areas. The intent of the Zoning Ordinance is to provide adequate landscaping for parking, screening, general site beautification, and to provide open space on a site.

- c. Zoning Ordinance Section 23.34.100 prohibits parking in required yards unless "the landscaping alternative provided herein shall demonstrate a superior solution to more restrictive setbacks in terms of additional amenities and overall aesthetic qualities. The Department of Community Development, in applying this alternative, may modify to a greater or lesser extent the strict provision of Section 23.40.060(1) in approving a landscape plan which meets the objectives herein stated."
- d. The Public Service Department driveway separation standards require a 150 foot distance between an intersection and a driveway and a 100 foot separation between driveways unless the restriction denies access to the site. The applicant is proposing a 40 foot separation between the two driveways along N.E. 84th Street and two driveways within 140 feet of the N.E. 84th St./6th St. intersection.

3. Conclusions

- a. The proposal is within the intent of the Kirkland Zoning Ordinance, only as it provides the required parking for the proposed uses.
- b. However, the proposal is not within the intent of the Zoning Ordinance in regard to providing open space on the site. The approved plan provides for 29% of the site to be in landscaping and open space (not used by buildings, asphalt, concrete or automobiles). The proposed deletion of 1,194 sq. ft. of open space (by addition of the proposed stalls) decreases open space to 24.7%. With addition of three or four stalls, the site will be overbuilt and does not provide for adequate open space. The proposed plan does not provide the "superior solution" which was present in the original plan. Removal of the landscaped areas in favor of additional parking, is not the superior landscaping solution referred to in Zoning Section 23.34.100.

The original landscaped areas which would be used for parking could still be partially landscaped.

The proposed parking area north of Building 1 should be landscaped instead of parking. The single proposed stall west of Building 1 is not displacing landscaping and should be permitted. However, the area around this stall should be landscaped.

In order to provide optimum landscaping, the originally approved landscaping should be clustered in areas around the new parking stalls. In addition, to maintain the landscaped look of these areas the new parking stalls should be constructed in grasscrete.

The Zoning Ordinance requires screening of parking from adjacent properties with either a 4 foot high, 4 foot wide landscaped strip or a 6 foot high site screening fence. The applicant should install a 6 foot high site screening fence along the eastern property line to provide screening for the parking stalls using the eastern driveway.

- c. Public Service Department Standards. The Public Services Department requires a 150 foot distance between an intersection and a driveway and 100 foot separation between driveways (for safety and sight distance) unless the restriction denies access to the site. In this case, the new driveway is 40 feet from the approved driveway and does not comply with the 100 foot separation standards. Two driveways would be within 140 feet from the N.E. 84th St./6th St. intersection. Access to the site is already provided, and the second driveway should be denied for reasons of safety and sight distance. The safety standard is of particular concern on this site since N.E. 84th St. will provide a major pedestrian/greenbelt spine.

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- B. OPERATION OF A PERMITTED BUSINESS IN A RESIDENTIAL ZONE (This Section does not apply to this application.)
- C. CONTINUATION OR ENLARGEMENT OF A NON-CONFORMING USE. (This Section does not apply to this application.)
- D. LAND USE POLICIES PLAN STANDARDS AND POLICIES

- 1. Statements of Fact

The Land Use Policies Plan identifies N.E. 84th Street to become a major access point into Planned Area 5, combining vehicular, pedestrian, and bicycle traffic abutting the site.

- 2. Conclusions

In the interest of public safety, conflicts between vehicular and pedestrian traffic should be minimized. Placing many driveways crossing a pedestrian area, is inconsistent with public safety.

III. BACKGROUND

A. HISTORY

The City Council approved the original Conditional Use Permit under Resolution R-2743 on August 4, 1980. Plans were revised according to the approved Conditions of Approval, and a Building Permit was issued early this year. Subsequently, two major items occurred:

- 1. The applicant received interest from doctors to occupy the space, necessitating this Conditional Use Permit Amendment; and
- 2. The City determined that the originally required 22 foot wide dedication on N.E. 84th Street (which would enable a 60 foot wide right-of-way) was unnecessary to provide safe and reasonable access into Planned Area 5. Therefore, a 5 foot wide street vacation petition was approved by the City Council on Monday, March 16, 1981. The site plan attached to this application is consistent with the 5 foot wide street vacation.

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B. NEIGHBORHOOD AND ZONING

The site, as well as properties to the north and south are zoned Planned Area 5B which allows professional office use and RM-1800 density. Property directly to the east is also zoned Planned Area 5B. Across 6th Street from the site is the location of the proposed Kirkland Parkplace development. A surveyor's office presently exists directly to the south of the site, and a single family residence exists to the east.

IV. ALTERNATIVES

Staff has explored different alternatives with the applicant for locating additional parking stalls on the site. A major alternative is to approve the requested Conditional Use Permit amendment. If approved, the following conditions should be added (as supported by the Statements of Fact and Conclusions in this Report):

1. Prior to issuance of Certificates of Occupancy the applicant shall post a sign approved by the Public Service Department at the entrance to the eastern driveway designating that area for employee parking only.
2. The additional parking stalls shall be constructed with grasscrete. The originally approved landscaping (which would be removed by the proposal) shall be clustered around the new stalls.
3. A site screening, 6 foot high fence shall be installed along the eastern property line to screen the new parking area.
4. The stall east of Building 1 shall not be allowed.

V. APPENDICES

Exhibits "A" through "F" are attached.

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