

RESOLUTION NO. R-2827

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-81-22, BY BIG VALLEY HEAVY EQUIPMENT, INC. TO AMEND AN EXISTING CONDITIONAL USE PERMIT FOR SIGNAGE, BEING WITHIN A LIGHT INDUSTRIAL 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 filed by Big Valley Heavy Equipment, Inc., the owner of said property described in said application and located within a Light Industrial zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of May 7, 1981, and

WHEREAS, this application is exempt from the State Environmental Policy Act under Section WAC 197-10-170(1)(e), and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development 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 recommendations 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-81-22 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 expressly set forth herein.

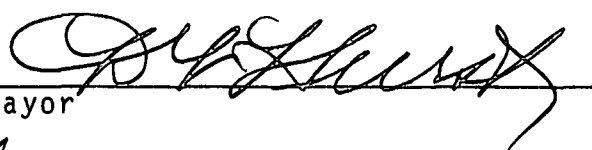
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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.

Passed by majority vote of the Kirkland City Council on the 18th day of May, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 18th day of May, 1981.



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

5145A

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION

Big Valley Heavy Equipment, Inc., has applied for an Amendment to an existing Conditional Use Permit (CUP-76-25), to change the face of the sign approved by the original C.U.P. Section 23.32.090(2) requires a Conditional Use Permit for a free-standing sign over 30 square feet in area, and Section 23.32.100(5) stipulates that changes to an existing sign approved under a Conditional Use Permit requires the same review and approval as a new sign. The existing sign is 31 1/2 square feet in area. Major issues are compliance with Conditional Use Permit criteria.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and attached Exhibits, we recommend approval of this amendment to Conditional Use Permit No. CUP-76-25, subject to the following conditions:

1. The appropriate condition of approval on the original Conditional Use Permit (See Exhibit "D") will continue to apply:

No more than one sign shall be oriented to either 120th Ave. N.E., N.E. 116th St., or I-405.

2. The phone numbers and words "rentals, sales, service, parts" shall be removed from the free-standing sign within six months of approval (no extensions shall be allowed).
3. Coloring of sign may change, provided that colors are consistent with color of the building.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

- A. Does the use or modification requested fit within the intent of the Kirkland Zoning Ordinance and in the public interest?

1. Applicant's Response: Yes, the size is not greater than the zoning allows.

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4/27/81/4785A/bk

2. Statements of Fact

- a. This retail use, in the LI zone, is permitted two square feet of sign per linear foot of building face. The building face is 80 feet long - therefore, a total of 160 square feet of signage is allowed. Existing signs include: 31 1/2 square feet freestanding sign (under this application); and 18 square feet of signage on the southern facade of the building, for a total of 49 1/2 square feet (160 sq. ft. of signage is allowed.).

3. Conclusions

Sign size proposed is permitted by the Zoning Ordinance.

- B. OPERATION OF A PERMITTED BUSINESS IN A RESIDENTIAL ZONE. Not applicable to this application.
- C. CONTINUATION OR ENLARGEMENT OF A NON-CONFORMING USE. Not applicable to this application.
- D. USES AND STANDARDS AS DEFINED IN THE LAND USE POLICIES PLAN

1. Statements of Fact

Economic Activities Policy 5.e. and discussion.

Policy: Control the use of signs.

Discussion: 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.

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2. Conclusions

The proposed sign is oriented primarily to I-405. Face-mounted signage is oriented to N.E. 116th St. A consistent pattern has emerged from implementation of this policy, by permitting business names only on free-standing signs needing Conditional Use Permits (for example: Ramada Inn, Totem Square, Houghton Shopping Center, VIP's, Mobil Oil). The proposed sign contains phone numbers and a list of "rentals, sales, service, parts". This sign is an "advertising" sign, which is discouraged by the Land Use Policies Plan. The phone numbers and words "rentals, sales, service and parts" should be removed from the free-standing sign within six months of approval (no extension should be available). This will bring the sign into conformance with the policy direction of Economic Activities Policy 5.e., by making the sign an identification sign identifying the business, rather than an advertising sign promoting the business.

E. IS THE SIGN GENERALLY ATTRACTIVE ON ALL VISIBLE SIDES?

1. Applicant's Response: "Yes. Very clean black bold letters on commercial acrylic material."

2. Statements of Fact

The sign is attractive on all sides.

3. Conclusions

The sign is generally attractive on all sides.

F. IS THERE ANY BACK SIDE CONSISTING OF OBVIOUSLY VISIBLE BRACES AND STRUCTURES THAT COULD MATERIALLY AFFECT OTHER PROPERTIES?

1. Applicant's Response: "No, uniform on both sides."

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2. Statements of Fact.
Bracing is not visible.

3. Conclusions

No. Bracing will not materially affect other properties.

G. DOES THE BUSINESS DEVELOPMENT UNDER ONE OWNERSHIP HAVE MORE THAN ONE SIGN ORIENTED TO A SINGLE STREET?

1. Applicant's response: "No. Pole faces freeway visibility. sign painted on building (N.E. 116th) faces 116th."

2. Statements of Fact

This business does not have more than one sign oriented to a single right-of-way. The proposed sign is oriented to I-405, while the building face signage is oriented to N.E. 116th Street.

3. Conclusions

The proposed sign is the only sign oriented to I-405.

H. IS THE SIGN TO SCALE IN SIZE AND HEIGHT WITH THE BUILDING AND THE PREMISES TO WHICH IT IS APPURTENANT?

1. Applicant's Response: "Yes".

2. Statements of Fact

The sign is equal to the building height.

3. Conclusions: The proposed sign is in scale (in size and height) with the structure.

I. DOES THE SIGN DEMONSTRATE AN INTEGRAL RELATIONSHIP TO THE DESIGN OF THE BUILDING AND THE PREMISES TO WHICH IT IS APPURTENANT, IN ITS SHAPE, ITS DETAIL, ITS MATERIAL, AND ITS COLOR?

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1. Applicant's Response: "Yes, the sign is in very good taste, simple, clean and to subject."

2. Statements of Fact

The sign is integrally related in its' shape, detail, material and color, to the design of the building.

3. Conclusions

The white sign background is similar to the building color, and is integrally related to the building. Coloring of the sign may change, provided that colors are consistent with color of the building, to enable the applicant some flexibility to change the sign in the future.

III. BACKGROUND

A. HISTORY

A 31 1/2 square foot free-standing sign was approved for Juanita Camper-Trailer (on the same site) in May 1976. Big Valley Heavy Equipment moved into the structure in October, 1980 and altered the free-standing sign shortly thereafter. The Department of Community Development then requested that an amendment to the original Conditional Use Permit be filed.

B. NEIGHBORHOOD AND ZONING

To the east is I-405. On the north, south and west is Light Industrial zoned land.

IV. ALTERNATIVES

Design, placement and size alternatives are available for the sign.

V. APPENDICES

Exhibits "A" through "D" are.

Exhibit "E" (colored picture) will be shown at the hearing.

5/7/81 (P.C.)
4/27/81/4785A/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 Lynda Lottinville Phone 827-0575

Company Name Big Valley Heavy Equip Inc.

Mailing Address 1328 120th NE City Kirkland Zip 98033

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

Rene Lottinville
Lynda Lottinville
P.E.T.S.

The above property was acquired by the applicant on the 1 day of November, 1980. The present zoning is light Industrial.

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: yes, the size is not greater

than the zoning allows
Existing Sign CUP-16-25

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 noises, or creating other nuisances; the applicant for 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 the application for approval or denial.

(Answer on following
(Over)

Exhibit "A"
Application
CZ-81-22
Big Valley Heavy Equipment

2.

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FEB 27 1981

PLANNING DEPARTMENT

BY

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.

AFFIDAVIT

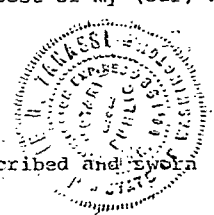
STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

_____, being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

Lynda Lottinville
(Owner)

Lynda Lottinville
(Owner)

Subscribed and sworn to before me this 25 day of Feb, 1981



James R. Spencer
Notary Public for the
STATE OF WASHINGTON
Residing at _____

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FEB 27 1981

PLANNING DEPARTMENT

BY