

RESOLUTION NO. 2849

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-81-71, BY PHIL FRICK TO FILL IN AN EXISTING HOLE ON THE SITE OF A PREVIOUSLY APPROVED 41-UNIT CONDOMINIUM PROJECT BEING WITHIN A RESIDENTIAL MULTI-FAMILY 1,800 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 Phil Frick, the owner of said property described in said application and located within a Residential Multi-Family 1,800 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of July 9, 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 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-81-71 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) Project and Construction Management Department of the City of Kirkland
- (f) 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 20th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of July, 1981.

Mayor Every W. Cox
Pro Tem

ATTEST:

Tom Adison
Director of Administration and Finance
(Ex officio City Clerk)

6146A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE July 9, 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-81-71 (Amendment to CZ-80-35)

APPLICANT Phil Frick

PROPERTY LOCATION Directly east of Safeway between Kirkland Ave. & 2nd Ave. So.

SUBJECT CONDITIONAL USE PERMIT AMENDMENT for fill in a previously approved
41 multi-residential unit project

HEARING/MEETING DATE July 20, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Letter and Application "B" Vicinity Map "C" Existing and
Finished Grades "D" Landscaping "E" Environmental Checklist and Declaration "F" Soils
and Storm Drainage Report "G" Planning Commission Minutes of 4/2/81

I. PROJECT SUMMARY

A. PROJECT DESCRIPTION

Phil Frick has applied for an Amendment to a previously approved Conditional Use Permit to fill in an existing hole on the site. The Conditional Use Permit allows construction of a 41-unit condominium project. The site is located directly east of Safeway between Kirkland Avenue and 2nd Avenue South. The hole is roughly 24 feet in depth with a maximum slope ranging from 44 to 54%, in approximately 1,800 square feet and will take 3,800 cubic yards of soil to fill. This fill material is available from recontouring the site. Some modifications of the site design would occur as a part of this amendment.

Major issues involved in this review include: Compliance with the State Environmental Policy Act, compliance with the Conditional Use Permit criteria, storm drainage, compliance with the Land Use Policies Plan, and the rights-of-way ordinance (Ordinance 2576).

B. RECOMMENDATIONS

1. Based on the Statements of Fact, Conclusions and Exhibits in this report, we recommend approval subject to the following conditions:

This application is subject to the various requirements contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance and the Uniform Building Code. It is the responsibility of the applicant to insure compliance with the various provisions contained in these ordinances. Section IV, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.

2. Prior to approval of the Building Permit application, the applicant shall:
 - a. Indicate on his utility plan a connection with the existing 12" storm drain system.
 - b. If additional storm water drainage on site is discovered, it shall be included in the system.

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II. PROJECT BACKGROUND

1. The original Conditional Use Permit for a 41 unit condominium project was approved by City Council August 4, 1980. An extension to this Conditional Use Permit approval was granted January 15, 1981. The extension lasts one year.
2. An amendment to the Conditional Use Permit was approved April 20, 1981. This amendment affected the parking plan, internal traffic circulation, alteration of the footprint mass and location of two northern structures, reduction in size and relocation of the recreation building, as well as a redesign of the facades of all structures.

III. MAJOR ISSUES

A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (SEPA).

1. Statements of Fact

An Environmental Checklist was submitted April 29, 1981, and revised May 14, 1981. A Declaration of Non-Significance was issued by the Responsible Official on May 26, 1981.

2. Conclusions

The amendment to the Conditional Use Permit does not have an environmental impact of significance.

B. CONDITIONAL USE PERMIT CRITERIA

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:"

- a. Applicant's Response: "Propose use: 41 unit condominium. Conforms to residential density standards established within the zoning code. The proposal for 41 units appears to conform to the maximum feasible density of 46 units obtained by dividing parcel area of 82,980 square feet (1.9 acres) by 1,800 square feet of lot area for each unit".

b. Statement of Fact

The 41 unit condominium project has been approved. The request to amend the Conditional Use Permit to fill an existing hole which was previously proposed as a part of the storm drain system will allow a rearrangement of the driveway and building location. The driveway adjacent to the easterly property line can be moved westerly, and providing an opportunity for landscape screening along the easterly property line. The amount of parking adjacent to 2nd Street can be reduced by relocation to the north. The southwesterly building can be relocated to the north and east, increasing the setback from 2nd Street and from the western property line.

The Planning Commission recommended and City Council approved a condition that staff and the applicant work together to enhance the safety features of the pond and to landscape the driveway. The Planning Commission minutes of April 2, 1981 reflect the concern that some Commission members had toward the possible hazard the retention pond might pose for children playing in the area. Staff was instructed to work with the applicant to insure the safety of the pond with appropriate signs, depth and slope of the banks.

The applicant proposes, through this amendment to fill the pond and to provide a 13 foot wide landscaping bed. The applicant proposes to plant English Laurel, English Ivy, two flowering plums and several evergreen azaleas in this landscape bed.

c. Conclusions

The applicant proposes to remove the safety hazard of the retention pond by filling it in and providing an underground storm water retention system. The applicant also proposes to provide a buffer landscaped bed between his driveway and the property line to the east. Additionally, Building A can

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be moved to the northeast, thereby increasing the property side yard setbacks. Additional parking can be relocated northward, relieving a possibility of traffic congestion in the entryway.

2. "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."

a. Applicant's Response: "The owner proposes to overcover existing depression with 3,800 yards of fill and relocate the access drive and parking as shown on the site plan."

b. Statement of Fact

The modification requested by this application is not for the continuation nor enlargement of a non-conforming use. Therefore, this question is not applicable.

c. Conclusion

This question is not applicable.

C. COMPLIANCE WITH THE LAND USE POLICIES PLAN

1. Statement of Fact

The Land Use Policies Plan, Natural Elements, states as Policy 1 that: "Manage development according to the severity of natural constraints in order to reduce risk and minimize damage to life and property."

This application originally was designed around a depression in the terrain which was to be used as a part of the storm retention system. After the development was approved, the applicant came in with several proposed amendments. In reviewing these amendments, the Planning Commission and City Council recognized that the storm retention pond could pose a safety hazard, and imposed a condition that the applicant work with staff to remove this hazard.

2. Conclusions

This application was originally designed around the depression in order to preserve the natural characteristics of the site. However, the development is not able to reduce the possible safety hazard and the applicant requests permission to fill the depression and hold storm drainage underground in oversized pipes.

D. STORM DRAINAGE

1. Statement of Fact

- a. The applicant has submitted preliminary soil and storm drainage plans (see Exhibit "F"). Existing drainage conditions are described as: The site drainage is generally directed toward the pothole located in the middle of the site. The pot hole was previously a part of the natural drainage creek. During the urbanization in the vicinity of the subject site the surrounding channels were backfilled. The flow was directed toward the existing stub and a 12" line located at the bottom of the pothole. The storm drain line extends to the property line along Safeway Building and is connected to an 18" stub located on Kirkland Avenue, or the northwest corner of the subject property.
- b. Ordinance 2430 stipulates criteria, standards and procedures that are applied to development and storm water retention within Kirkland.
- c. During the public hearing, Mr. Fred McKenzie stated that an additional storm drain system may exist in the southeast corner of the site.

2. Conclusions

The applicant shall demonstrate to the satisfaction of the Public Services Department that his underground storm water retention system and temporary erosion control methods are capable of meeting the standards found in Ordinance 2430. The applicant shall tie his storm water drain system into the existing 12" storm drain. If additional storm water drainage on site is discovered, it shall be included in the storm drain system.

E. PUBLIC IMPROVEMENTS

1. Statements of Fact

a. Public Improvements Ordinance 2576 designates 2nd Avenue South as a Neighborhood Access Street, requiring:

- (1) 50 feet of right-of-way (40 feet existing).
- (2) 28 feet of asphalt
- (3) Vertical curb (not existing)
- (4) Underground storm sewer (not existing)
- (5) Through curb inlets (not existing)
- (6) Bicycle grates (not existing)
- (7) Street trees, 30' on center (not existing)
- (8) 5' concrete sidewalk (not existing).

b. A waiver of additional right-of-way dedication could be allowed if the City determines that the current level and extent of the improvements in the right-of-way adjacent to the subject property will not be changed in the future (2576.08.05).

c. The Mont Claire Apartments to the west are approximately 10 feet from the right-of-way. The right-of-way in front of the Mont Claire is 30 feet long. The right-of-way in front of the site (east of Mont Claire) is 40 feet, and in front of the Post Office (west of Mont Claire) is 40 feet. Second Avenue South is a dead end street.

2. Conclusions

It is virtually impossible to widen the right-of-way in front of Mont Claire beyond 40 feet because of the location of the building. A 50 foot right-of-way cannot be obtained for the full length of 2nd Avenue South, and because the street dead ends, a 40 foot right-of-way would be acceptable to Public Service Department. Therefore, this site should be granted a waiver for the additional 10 foot right-of-way dedication.

IV. DEVELOPMENT STANDARDS

1. The applicant is required to receive a Grading Permit, either in conjunction with a Building Permit or separately, prior to any land clearing or excavation work done on the site.
2. The applicant is required to meet all regulations imposed through previous Conditional Use Permits, and through established ordinances.

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