

RESOLUTION NO. R-3601*

A RESOLUTION OF THE CITY OF KIRKLAND MODIFYING AND THEN APPROVING THE ISSUANCE OF A PROCESS III MASTER PLAN PERMIT APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT III-89-104 BY OVERLAKE CHRISTIAN CHURCH WITHIN AN RSX 7.2 ZONE AND SETTING FORTH THE CONDITIONS TO WHICH SAID PROCESS III PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process III Master Plan Permit filed by Overlake Christian Church as the owner of the real property described in said application and located within an RSX 7.2 zone, and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the administrative guidelines and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official for the City of Kirkland, and a Mitigated Negative Determination issued, and

WHEREAS, the environmental checklist and Determination have been available and accompanied the application through the entire review process, and

WHEREAS, the application was submitted to the Kirkland Planning Commission which held hearings thereon at its regular meetings on January 22, 1990, February 22, 1990, and March 12, 1990, and

WHEREAS, the Kirkland Planning Commission, after its public hearings and consideration of the recommendations of the Department of Planning and Community Development, adopted certain findings, conclusions and recommendations and did recommend approval of the Master Plan Permit, subject to the specific conditions set forth in said recommendations, and

WHEREAS, pursuant to the provisions of the Kirkland Zoning Code relating to review of Process III applications, the Overlake Christian Church timely filed a written challenge to certain aspects of the Planning Commission's report and recommendation, and

WHEREAS, two formal written responses to said challenge were timely filed, one by the Department of Planning and Community Development and the other by four residents of the North Rose Hill neighborhood who had participated at the hearings before the Kirkland Planning Commission, and

WHEREAS, the Kirkland City Council in regular meeting on April 17, 1990, considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission, as well as the timely filed challenge and responses thereto, now, therefore,

BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The findings and conclusions of the Kirkland Planning Commission as adopted by the Planning Commission in its report to the City Council as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-89-104, are hereby adopted by the City Council.

The City Council hereby adopts the following additional findings and conclusions:

Findings:

The Overlake Christian Church has previously removed single family housing stock from the North Rose Hill neighborhood, brought noise, light and visual impacts associated with large parking lots, and restricted the opportunity of neighbors to travel on streets in the vicinity.

The Overlake Christian Church says that it wants to solve existing impacts, and that its proposed Master Plan is entirely mitigation measures, except for the proposed addition of a 33,000 square foot building. The status of the requested additional 250 parking spaces as proposed is unclear. Although 250 spaces is mentioned in text, the drawing submitted reveals more than 250 new spaces. In addition, on the same date, August 2, 1989, the traffic consultant issued two inconsistent reports. One report stated 100 additional spaces were needed to resolve current traffic problems. The second report stated 250 additional spaces were needed.

Conclusions:

The maintenance of the low density residential character of North Rose Hill is a mandate of the City of Kirkland Comprehensive Plan (Land Use Policies Plan, page 463). The Zoning Code recognizes that neighborhood churches play a role in a single family residential zone. However, given the existing scale and size of Overlake Christian Church, greater accommodation by this neighborhood would be improper.

All of the Overlake Christian Church's clear mitigation proposals are being approved. The Master Plan approval will allow Overlake Christian Church the opportunity to demonstrate that it can manage its growth without harming the neighborhood. If that can be achieved, Overlake Christian Church can propose a new Master Plan.

Due to compelling governmental interests, including traffic and the need to maintain the single family residential area, the proposed building addition and additional parking in excess of 109 new spaces are denied.

Section 2. The Master Plan application is approved in part, and the Master Plan Process III Permit shall issue, subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards of the Department of Planning and Community Development Advisory Report (Exhibit A) is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
2. The Department of Planning and Community Development shall be authorized to approve modifications to the approved site plan, unless:
 - a. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
 - b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change (see Exhibit A, Conclusion II.D.10); and
3. Specifically approved are improvements to the landscaped buffer along 132nd Avenue NE, the realignment of the four vehicular entrances along 132nd Avenue NE, the widening of 132nd Avenue NE to provide a continuous center left-turn lane, and the installation of landscape buffers around the perimeter of the site.
4. a. The application for 250 additional parking stalls to be constructed is denied. However, 109 additional parking stalls may be constructed and approved to City standards as a part of Phase I. Said parking stalls to be located within the parking areas

identified as Areas 1 and 2 on the "overhead projection" version of Attachment 1 to Exhibit TTTT.

- b. The application to construct an additional 33,000 square foot structure on the site is denied.
5. Pursuant to Section 17.10(a), Special Regulation 1-B on Page 32 of the Kirkland Zoning Code, the permitted land uses within the Master Plan area, are as identified on Attachment I of Exhibit TTTT.
 6. As part of the application for a grading permit the applicant shall submit:
 - a. Plans for a permanent and construction phase storm water control system to be approved by the Department of Public Works. The Public Works Department may require that biofiltration swales be included as part of the storm drainage system for the site (see Exhibit A, Conclusion II.D.6).
 - b. Revised site plans to be approved by the Department of Planning and Community Development, indicating:
 - (1) Revisions to the Landscape Plan indicating a buffer at least 15 feet in width along the north property line, as shown in Attachment 13; an increase in the width of the buffer between the detention pond at the west end of the site and the single-family home to the north; and the designation of significant trees to be retained within the southern and western portions of the site (see Exhibit A, Conclusion II.D.2);
 - (2) Revisions to the Site Plan to indicate the proposed locations for any new lighting on the site (see Exhibit A, Conclusion II.D.4);
 - (3) Revisions to the Landscape Plan which indicate the existing, nonwidened width of the western driveway (see Exhibit A, Conclusion II.D.8).
 - (4) Revisions to the Site Plan (or a new Bus Siting and Screening Plan), indicating the proposed screening for the area providing shuttle bus storage. The Plan should indicate the manner in which these buses will be parked when not in use during services (see Exhibit A, Conclusion II.D.5).
 - c. Plans for installing the following half-street improvements in the 132nd Avenue NE right-of-way bordering the subject property: 36 feet of pavement to include a two-way center turning lane, curb and

gutter, a 4-1/2 foot-wide landscape strip with street trees, a 5-foot-wide sidewalk, and a 2-foot-wide utility strip, to be approved by the Department of Public Works (see Conclusion II.C.1). The plans should also indicate the installation of pavement and drainage improvements within the 130th Avenue NE right-of-way, as determined by the Department of Public Works (see Exhibit A, Conclusion II.D.9).

- d. Prior to the issuance of any grading or building permits for the proposed project:
 - (1) All significant trees designated for retention should be prominently flagged (see Exhibit A, Conclusion II.D.3).
 - (2) All concomitant agreements proposed as traffic mitigation measures must be submitted (see Exhibit A, Conclusion II.C.1).

7. Prior to final inspection, the applicant shall:

- a. Complete all site improvements indicated on the Site Plan and Landscape Plan, as approved by the Department of Planning and Community Development at the time of application for a grading permit (see Exhibit A, Conclusion II.D.12).
- b. Complete the installation of the following half-street improvements within the 132nd Avenue NE right-of-way bordering the subject property: 36 feet of pavement, to include a two-way center turning lane, curb and gutter, a 4-1/2 foot-wide landscape strip with street trees, a 5-foot-wide sidewalk, and a 2-foot-wide utility strip and, within the 130th Avenue NE right-of-way: pavement and drainage improvements as determined by the Department of Public Works (see Exhibit A, Conclusions II.C.1 and II.D.9).
- c. Install a fully operational permanent storm water control system (see Exhibit A, Conclusion II.D.6).
- d. Submit for approval by the Department of Planning and Community Development a signed and notarized easement as set forth in Attachment 17, to maintain landscaping within the required buffers along all of the site's property boundaries, to be recorded with the King County Records and Elections Division (see Exhibit A, Conclusion II.D.2).
- e. Submit to the Department of Planning and Community Development a security device to ensure maintenance of landscaping, the permanent storm water retention

system, and other site improvements (see Exhibit A, Conclusion II.D.13).

f. In lieu of completing any required improvements, a security device to cover the cost of installing the improvements may be submitted if the criteria in Zoning Code Section 175.10.2 are met (see Exhibit A, Conclusion II.D.12).

8. Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development. The signs shall be disassembled with the posts, bolts, washer and nuts separated from the sign board (see Exhibit A, Conclusion II.D.11).

Section 3. 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 as expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet and to maintain strict compliance with the standards and conditions to which the Master Plan Permit is subject shall be grounds for revocation in accordance with the provisions therefor of Ordinance 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. A certified copy of this Resolution, together with the findings, conclusions and approval conditions herein adopted shall be attached to and become a part of the Master Plan Permit, or evidence thereof, delivered to the permittee.

Section 6. Conformed copies of this Resolution shall be delivered to the following:

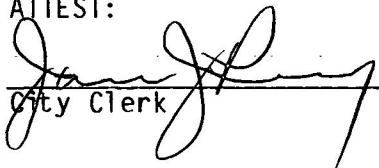
- (a) Department of Planning and Community Development
- (b) Fire and Building Department for the City of Kirkland
- (c) Public Works Department for the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council on the 8th day of May, 1990.

SIGNED in authentication thereof this 8th day of May, 1990.


MAYOR

ATTEST:


City Clerk