

RESOLUTION NO R- 3703

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO IIB-91-27 BY THE ROMANIAN PENTECOSTAL CHURCH, BEING WITHIN AN RS 8 5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by the Romanian Pentecostal Church, representing the owner of said property described in said application and located within an RS 8 5 zone

WHEREAS, the application has been submitted to the Hearing Examiner who held hearing thereon at his regular meeting of July 11, 1991, and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 4321C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached, and

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

WHEREAS, the Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the Process IIB permit subject to the specific conditions set forth in said recommendation, and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows

Section 1 The findings, conclusion, and recommendation of the Hearing Examiner as signed by him and filed in the Department of Planning and Community Development File No IIB-91-27 are adopted by the Kirkland City Council as though fully set forth herein

Section 2 The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council

Section 3 Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than expressly set forth herein

Section 4 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 Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance

Section 5 Notwithstanding any recommendation heretofore given by the Houghton Community Council, the subject matter of this resolution and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton

Community Council or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution

Section 6 A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee

Section 7 Certified or conformed copies of this resolution shall be delivered to the following

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

PASSED by majority vote of the Kirkland City Council on the 15th day of October, 1991

SIGNED IN AUTHENTICATION thereof on the 15th day of October, 1991

Candy Barton
 Mayor

Attest

A. Cloney
 City Clerk, Deputy

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**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS, AND RECOMMENDATION**

APPLICANT: Philadelphia Romanian Pentecostal Church

FILE NO. IIB-91-27

APPLICATION:

Site Location 5233 116th Avenue NE (see Exhibit A, Attachment 1a)

Request Process IIB permit to allow a change in use from a single-family residence with accessory barn to a church in an RS 8 5 zone (see Exhibit A, Attachment 2)

Review Process Process IIB, Hearing Examiner conducts public hearing and makes recommendation, City Council makes final decision

Major Issues Compliance with Chapter 15 10 of the Kirkland Zoning Code

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Community Development: Approve with conditions

Hearing Examiner: Approve with conditions.

PUBLIC HEARING:

After reviewing the official file which included the Department of Planning and Community Development Advisory Report and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Philadelphia Romanian Pentecostal Church application was opened at 9 02 a.m. July 11, 1991, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington, and was closed at 9 35 a.m. for oral testimony. The record remained open to allow the Houghton Community Council time to hold a courtesy hearing on the application. The hearing was held on August 27, 1991, and the minutes and a report on the hearing were forwarded to the Hearing Examiner on September 4, 1991. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following

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I FINDINGS

- A** The findings of fact recommended on pages 4 to 10 of the Department of Planning and Community Development Advisory Report (Hearing Examiner Exhibit A) are found by the Hearing Examiner to be supported by the evidence presented during the hearing and, by this reference, are adopted as part of the Hearing Examiner's findings of fact. A copy of said report is available at the Department of Planning and Community Development.
- B** The minutes of the hearing before the Examiner accurately summarize the testimony offered at the hearing and by this reference are entered as a portion of the Hearing Examiner's Findings of Fact.
- C** Exhibit B1 was submitted by the applicant. It is a request for a modification to a landscape buffer standard for a portion of the property along the south property line of the subject site. The owners of the adjacent property to the south concurred with the request.
- D** The President of the Lake Washington Saddle Club submitted a letter requesting that the Bridle Trails State Park's parking facilities not be considered as an alternative to any parking or traffic problems raised under the subject application (Exhibit B-2)
- E** The Houghton Community Council held a courtesy hearing and accepted testimony as well as written correspondence before they made their recommendation. Following their hearing on August 26, 1991, they recommended approval of the application with modifications to the access driveway to reduce potential traffic conflicts with the western entrance to Bridle Trails State Park and a restriction on parking on the subject site (Exhibit F).

II CONCLUSIONS

- A** The conclusions recommended by the Department of Planning and Community Development, as set forth on pages 5 to 10 of the Department's Advisory Report accurately set forth the conclusions of the Hearing Examiner and, by this reference, are adopted as part of the Hearing Examiner's conclusions, except Conclusions ILC 4 d and ILC.6, which are not adopted. A copy of said report is available at the Department of Planning and Community Development.
- B** The recommendations offered by the Houghton Community Council in Exhibit C are reasonable and should be included as conditions of approval.
- C** The request for a modification to the landscape buffer standard meets the requirements for a modification and should be approved.

III RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, approval of this application, including the request for a modification to the buffering standard, is recommended 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. Exhibit A, Attachment 3, Development Standards, is provided to familiarize the applicant with some of the additional development regulations. When a condition of approval conflicts with a development regulation in Exhibit A, Attachment 3, the condition of approval shall be followed.
- 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 ILC 12)
- 3 As part of the application for a Building 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 (see Exhibit A, Conclusion ILC 7)
 - b. A revised site plan to be approved by the Department of Planning and Community Development indicating:
 - (1) Relocation of the Assembly Room addition so that it does not extend into the front, rear, or side yard setbacks as established under Section 15 10 a (see Exhibit A, Conclusion II C 3),
 - (2) Any portion of the structure which is within 100 feet of a low density zone and exceeds 50 feet in width, the height of that portion of the structure shall not exceed 15 feet above average building elevation (see Exhibit A, Conclusion II C 2),
 - (3) Landscape buffers of 15 feet, planted according to Buffering Standard 2 set forth in Section 95 25.2, along the north and east property lines which adjoin low density uses (see Exhibit A, Conclusion ILC.4);
 - (4) A landscape buffer along the south property line of five feet instead of 15 feet in accordance with Buffering Standard 2 along the length of the existing driveway. The landscape buffer shall be increased to a width of 15 feet along the south property line west of the existing driveway (Hearing Examiner Conclusion C)
 - (5) Relocate the access driveway to the south in order to reduce potential conflicts with the western entrance to Bridle Trails State Park (Hearing Examiner Conclusion B).

- (6) Provide one parking stall for every four people, based on maximum occupancy load of worship area. The parking lot shall be limited to a maximum of 36 parking stalls (Exhibit A, Conclusion II C 5 and Hearing Examiner Conclusion B)
 - (7) A parking lot which is designed according to standards set forth in Section 105 that includes the minimum 5-foot landscaped parking buffer, landscaped parking islands for every eight continuous parking stalls, and pavement of asphalt or a superior material (see Exhibit A, Conclusion IIC 6),
 - (8) Garbage receptacles and dumpsters which are screened from view of the street and adjacent properties by a solid sight-obscuring enclosure and located according to Section 115 45 (see Exhibit A, Conclusion II C 10),
- c A plan depicting retention of at least 25 percent of the existing significant trees on the subject property. Prominently mark each significant tree designated to be retained in the field (see Exhibit A, Conclusion II B 1),
 - d Sufficient information concerning construction and occupancy of structures to determine fire flow requirements, as well as plans for any on- or off-site improvements necessary to meet fire flow requirements (see Exhibit A, Conclusion IIE.1).
 - e Submit an as-built topographic survey of the site. The as-built shall be tied to an existing datum point in an adjacent public right-of-way (see Exhibit A, Conclusion IIC.2).
 - f Construction plans for extending the sanitary sewer to serve the subject property to be approved by the Department of Public Works (see Exhibit A, Conclusion IID 1)
- 4 Prior to occupancy, the applicant shall:
- a. Complete all site improvements indicated on the site plan approved by the Department of Planning and Community Development at the time of application for a Building Permit (see Exhibit A, Conclusion II C 12)
 - b. Complete installation of the sanitary sewer to serve the subject property (see Exhibit A, Conclusion IID 1)
 - c. Install a fully operational permanent storm water control system (see Exhibit A, Conclusion IIC 7)
 - d. Submit for approval by the Department of Planning and Community Development a signed and notarized easement, as set forth in Exhibit A, Attachment 8, to maintain landscaping within the required buffers along the north, south, and east boundaries of the site to be recorded with the King County Records and Elections Division (see Exhibit A, Conclusion IIC 15)

King County Records and Elections Division (see Exhibit A, Conclusion II C 15)

- 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 C 15)
- 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 175 102 are met (see Exhibit A, Conclusion II C 14)
- g Remove the existing electrical fence on the subject property (see Exhibit, Conclusion II C.9)

5 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 IIC 13)

*** EXHIBITS***

The following exhibits were offered and entered into the record.

- A Department of Planning and Community Development Staff Advisory Report
- B1 Letter from Gabriel Bortis
- B2 Letter from Richard Thomas Alan, President, Lake Washington Saddle Club, dated 7/10/91
- C Photos of the site
- D Memo from Margaret Bouniol, dated 7/3/91
- E Memo from Margaret Bouniol, dated 8/1/91
- F Memo from Margaret Bouniol (Houghton Community Council Recommendation, with Attachments), dated 9/4/91

PARTIES OF RECORD:

Augustin Costea, T L P O. Box 8283, Kirkland, WA 98034-0283
Gabriel Bortis, 1410 233rd Place SW, Bothell, WA 98021
Maureen O'Brien, 12915 113th Place NE, Kirkland, WA 98033
Mary Welborn, 20606 SE 56th Street, Issaquah, WA 98027
Mr and Mrs. C.M Wolfe, 5229 116th Avenue NE, Kirkland, WA 98033
Richard Thomas Alan and Lothar Pinkera, P O Box 831, Bellevue, WA 98009
Bruce Leber, 6035 132nd Avenue NE, Kirkland, WA 98033

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Letitia and Don Davis, #2 Bridlewood Circle, Kirkland, WA 98033
Marjorie Jones, 2436 134th Avenue NE, Bellevue, WA 98005
Carole Wigren, #36 Bridlewood Circle, Kirkland, WA 98033
Grace Allen, 2622 134th NE, Bellevue, WA 98005
Linda McIsaac, 381 129th Place NE, Bellevue, WA 98005
Eleanor Moon, 12230 NE 61st Street, Kirkland, WA 98005
Kay Argelan, 11026 132nd Avenue NE, Bellevue, WA 98005
Carmen ~~Westwater~~, 11616 NE 30th Place, Kirkland, WA 98033
Houghton Community Council
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Entered this 25th day of September, 1991, per authority granted by Section 152.70, Ordinance 2740 of the Zoning Code. This recommendation is final unless a request for reconsideration is filed within five (5) working days as specified below. A final decision on this application will be made by the City Council. My recommendation may be challenged to the City Council within ten (10) working days as specified below.



Ronald L. McConnell
Hearing Examiner