



NOTICE OF DECISION

City of Woodinville

Development Services Department

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072

Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Hearing Examiner Decision for the following project:

Project Name: Agoge Crossfit Woodinville Conditional Use Permit

Proponent: Mike Connolly, Agoge CrossFit Woodinville

Project Number: CUP12001/SEP12029

Description of proposal: Conditional use permit to operate a sports club in the Industrial zone. The sports club will occupy Suite A in building 6.

Project Decision: Approved with Conditions

Project Location: 19400 144th Ave NE, Woodinville, WA.

Notice of Decision Date: February 11, 2013

End of Appeal Period Date/Time: February 25, 2013 by 4:00 p.m.

Project Permit Expiration Date: February 11, 2018

A public hearing was held before the Woodinville Hearing Examiner on January 23, 2013 for review of the Conditional Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Conditional Use Permit shall be valid for five (5) years from the date of this Notice of Decision. If an issued permit is not obtained within this period, the Conditional Use Permit shall become null and void, and a new application would need to be submitted.

The Conditional Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Sarah Ruether, Project Manager, at (425) 877-2293. Email address: sarahr@ci.woodinville.wa.us.

Appeals

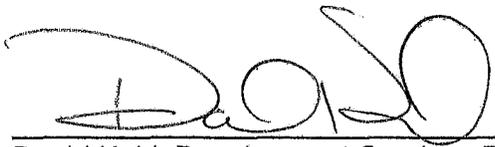
A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the

Woodinville City Council. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday February 25, 2013 by 4:00 p.m.

Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Sarah Ruether, Project Manager (425) 877-2293
Email address: sarahr@ci.woodinville.wa.us

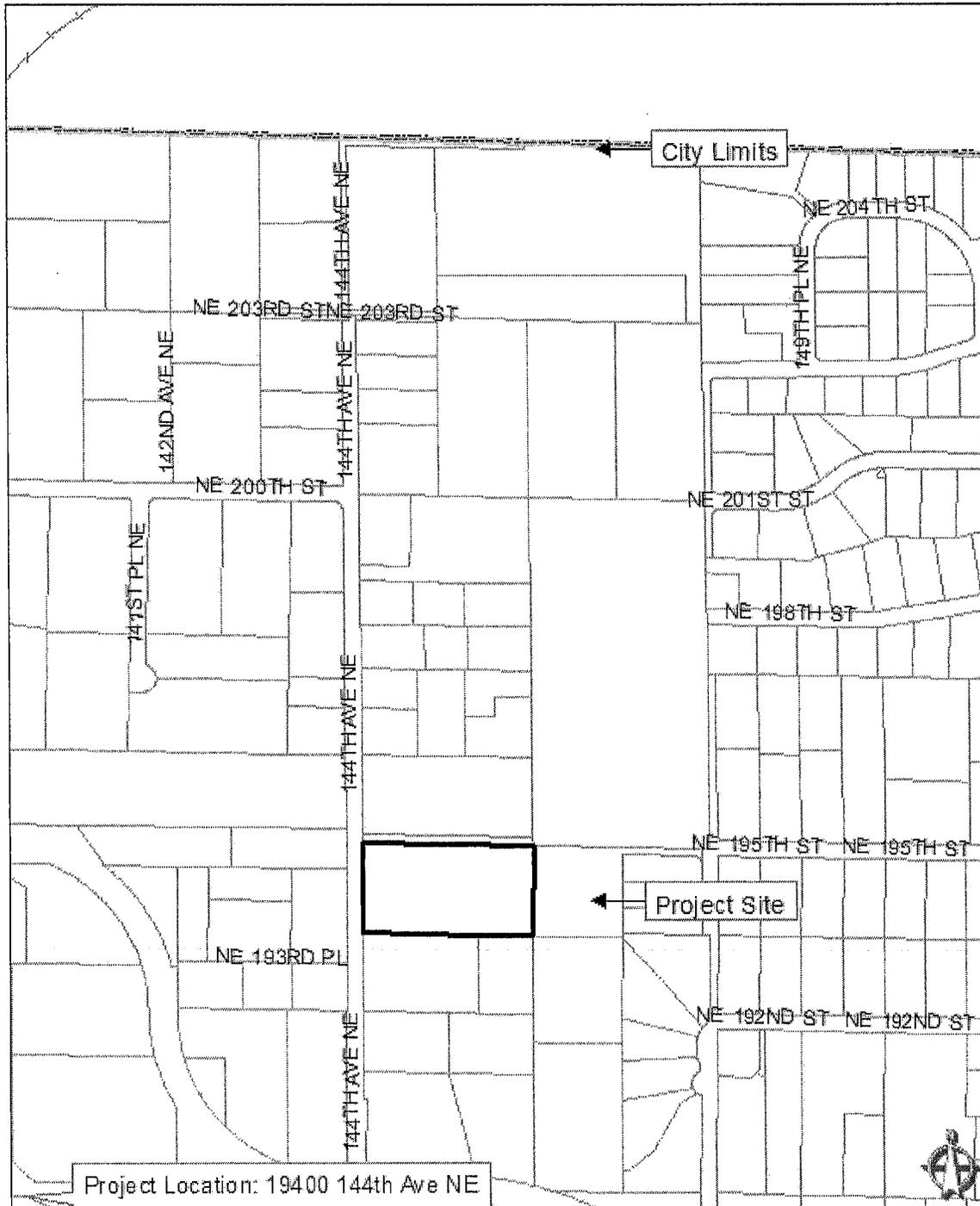


David Kuhl, Development Services Director

Date: 2/14/13

Project Name: Agoge CrossFit Woodinville Conditional Use Permit
File Numbers: CUP12001/SEP12029

Location Map



**BEFORE THE HEARING EXAMINER
FOR WOODINVILLE**

In the Matter of Application of)	CUP 12001/SEP 12029
)	
Agoge CrossFit Woodinville)	Findings of Fact and Conclusions
<u>for approval of a Conditional Use Permit</u>)	and Decision

SUMMARY OF DECISION

The requested Conditional Use Permit to locate and operate a sports club in Suite A of Building 6, 19400 144th Ave. NE, Woodinville, which is zoned Industrial, is granted subject to the conditions as listed below.

SUMMARY OF RECORD

Request:

Agoge CrossFit Woodinville (Applicant) requested approval of a Conditional Use Permit (CUP) to locate and operate a sports club in a complex on Industrial zoned land at 19400 144th Ave. NE, Woodinville.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Woodinville on January 23, 2013.

Testimony:

At the hearing, the following individuals presented testimony under oath:

Ms. Sarah Ruether Project Planner City of Woodinville
Mr. Mike Connolly Co-Owner of Agoge
Mr. Paul Weaver Property manager of Park 144
Ms. Cathy Price Co-Owner of Agoge
Mr. Larry Throndsen Architect
Mr. Nicholas Nibble Co-Owner of Agoge

Exhibits

At the hearing, the following exhibits were submitted and admitted as part of the administrative review record:

- Exhibit 1 Staff Report
- Exhibit 2 Application forms received October 8, 2012
- Exhibit 3 Traffic Impact Fee Worksheet Dated 11/27/12
- Exhibit 4 Shared Parking Information for Building 6
- Exhibit 5 Plans received October 8, 2012 prepared by LOT Design Group
- Exhibit 6 Application Submittal Notification for Complete Application -October 25, 2012
- Exhibit 7 Notice of Application and Request for Agency Comments -November 12, 2012
- Exhibit 8 SEPA Determination of Nonsignificance- December 24, 2012
- Exhibit 9 Notice of Public Hearing - January 7, 2013
- Exhibit 10 Email from Connolly to Guinn-January 14, 2013
- Exhibit 11 Letter to Connolly from Weaver-January 11, 2013

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DEVELOPMENT SERVICES

- Exhibit 12 Email from Connolly to Ruether-January 15, 2013
- Exhibit 13 Photos of typical CrossFit facilities
- Exhibit 14 Hearing sign-in sheet

Based on the testimony and evidence submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

FINDINGS

1. The Applicant requested approval of a Conditional Use Permit (CUP) to locate and operate a sports club in a complex on Industrial Zoned land at 19400 144th Ave. NE, Woodinville. The sports club would occupy Suite A of Building 6 in the Park 144 Development at 19400 144th Ave. NE, Woodinville Washington (subject property)¹. *Exhibit 1-pg. 1; Exhibit 5; Exhibit 10.* It would result in the conversion of a warehouse into a cross training fitness center with 450 square feet of commercial retail use, 738 square feet of instruction and educational area, and an open exercise area consisting of 3,750 square feet. *Exhibit 1-pg. 1; Exhibit 5*
2. The 4.96 acre Park 144 complex is a development of three buildings (Buildings 6, 7 and 8) with multiuse tenants. The types of uses in the entire complex range from manufacturing/warehouse with accessory retail to gym and recreational related activities. While a similar sports club use is located within the complex, there are no sports clubs developed in Building 6. Other uses in Building 6 include car repair, wine production and manufacturing. *Exhibit 1-pgs. 1 and 2; Testimony of Ms. Ruether*
3. Park 144 complex was constructed in 1982 prior to the incorporation of the City of Woodinville and when the subject property was under the jurisdiction of King County.
4. The subject property has water and sewer services supplied by the Woodinville Water District. No additional water or sewer services over what is already in place will be needed to accommodate the sports club. *Exhibit 1, pg. 5.* Fire service is from the Woodinville Fire and Rescue. Electricity and natural gas are provided to the site by Puget Sound Energy. The property is in the Northshore School District. *Exhibit 1-pg. 2.*
5. The zoning and land uses of the land north, south and west of the subject site is Industrial. The property to the east has Industrial Uses and Residential 1 Unit per Acre/Industrial Zone and Low Density Residential Zone. A conditional use permit is required for the conversion to a sports club. The proposed development will not impact the adjoining properties and uses and will not deter future growth. *Testimony of Ms. Ruether*
6. The relevant sections of the City's Comprehensive Plan, as it relates to the requested use, are Land Use Goal LU-11 ("to provide an active and diverse industrial area that promotes economic growth") and Land Use Goal LU-11.2 ("to protect Industrial lands from

¹ The legal Description is N 340 FT OF W ½ OF NE ¼ of SE ¼ LESS CO RD, Woodinville, WA.

encroachment by other land uses, which would reduce the economic viability of industrial lands”). The site, the Park 144 complex, was designed for industrial, manufacturing and warehousing space uses. While a sports club is a different use than those stated, it is allowed as a conditional use. According to the City’s review of the proposed sports club, it would attract fewer people than other permitted or accessory uses. Additionally, gymnastics currently occurs in this complex without any problems. Because the needs of the sports club include a need for large spaces with high ceilings, the available facilities would be more available in Industrial zoned property. The proposed use will create traffic, but the majority of traffic use of the site will occur during the evenings and weekends, which are non-peak hours for adjacent industrial uses.

Exhibit 1-pg.3. The proposed use of a sports club will not change the required industrial uses of the entire industrial complex. The use of a sports club will be a minority use in this district and will not encroach on the other industrial, manufacturing and warehousing uses in the vicinity. *Exhibit 1-pg.3*

7. The area of Building 6 is 21,000 square feet of which the Applicant would lease 5,170 square feet. Although there is not a specific parking standard for recreational uses in an Industrial zone, the City applied the general services/office parking requirements. General services and office parking ratio is 1 space per 300 square feet and the manufacturing and storage space ratio is 0.9 per 1,000 square feet. Extrapolating from these standards the City determined that 11 parking spaces are required for the proposed use. The building has a total of 45 parking spaces even though the parking standard for the entire building is 33 spaces. *Exhibit 1-pg.4;* Parking is close to the building entrance, reducing potential pedestrian conflicts with other industrial users. The hours of operation for the sports club, primarily in the evenings and weekends, are off-peak from the other industrial users, which operate during the day. *Exhibit 1-pg.5; Testimony of Ms. Ruether.* In further support of adequate parking being available at Park 144, the manager of the property submitted that it “...is committed to providing Agoge Crossfit with at least twenty unreserved parking stalls in the immediate vicinity of Building 6. Any occasional overflow may park among the additional 180 unassigned parking stalls within the development.” In the past, parking has not been a problem for the business in the Park 144 complex. *Letter from Mr. Weaver, Exhibit 11.* Based on this information, the Woodinville Planning Director determined that the proposed on-site parking was consistent with the City’s code, and that the proposal did not require a parking analysis. *Testimony of Ms. Ruether*
8. The development of the proposed use will not require modifications, additions or alterations that conflict with other uses. *Exhibit 1-pg.5*
9. The City identified minimal impacts to neighboring uses, either other on-site uses or properties to the north, west and south. The proposed use is likely to produce less noise to adjacent properties than other uses. The use will not use heavy machinery or require industrial processes, which have been subjects of concerns from adjacent residential neighborhoods. *Exhibit 1-pg.5*

10. The type of use proposed for the site requires space commonly found in industrial parks to accommodate exercise machines and the number of people using the facility. *Testimony of Mr. Connolly.* The proposed space has a large floor plan with high ceilings that can accommodate the activities involved with a sports club. *Exhibit 1-pg.5: Testimony of Mr. Connolly; Testimony of Ms. Reuther*
11. The Applicant has not proposed any modifications from the development standards of the City or any other specific relief. The request is the minimum necessary to operate a sports club business in this space. With the implementation of development requirements of WMC 21.08 and the conditions as recommended by staff, the impacts of the use to the general health, welfare and safety are minimal. *Exhibit 1-pg.5: Testimony of Ms. Reuther*
12. The Public Works Director of Woodinville determined that the increase in PM Peak Hour trips on public roads in the area near the subject property did not require a traffic analysis. This determination was based on studies of levels of services on the roads and the ability of the roads to carry increased traffic generated by the proposed use. *Testimony of Ms. Ruether; Exhibit 1, pg 5.*
13. No agency or public comments were submitted. *Exhibit 1, pgs 5 and 6*
14. Pursuant to the Washington State Environmental Policy Act (SEPA-RCW 43.21C) the project was subject for reviews of environmental impacts that would result from the development. The City was the lead agency for the review and the responsible authority of the City issued a Mitigated Determination of NonSignificance (MDNS) on December 12, 2012. No appeals of the MDNS were filed in the time allowed. *Exhibit 1, pg. 6.*
15. Notice of the filing of the application was done consistent with the provisions of WMC Title 17. The application and the supporting materials were circulated for review and comment on November 12, 2012, with publication of the Notice of Application being placed in the newspaper of record; mailing of a copy of the Notice to property owners within 500 feet of the project and interested agencies; and the of posting the Notice at the site and at the official locations for City Notices. *Exhibits 7 and 9; Exhibit 1, pg. 6; Testimony of Ms. Ruether.* No public testimony or written comments were submitted at the public noticed hearing.

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is granted jurisdiction to hear and decide applications for Reasonable Use Exceptions and associated variances pursuant to Chapter 36.70 of the Revised Code of Washington and WMC Chapter 21. 24. A critical area exception is required to be processed pursuant to WMC 2.30, Appeal Procedures. Per WMC 21.24.080, the Hearing Examiner conducts a closed record hearing to review the recommendation from the Development Services Director on critical area exceptions.

Applicable Ordinances and Regulations

WMC 21.44.050 Conditional Use Permit.

A conditional use permit shall be granted by the City only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. (Ord. 496 § 2 (Att. B), 2010; Ord. 465 § 27, 2008; Ord. 175 § 1, 1997)

RCW 36.70B.040 – Determination of Consistency

RCW 36.70B.040 and WMC 17.13.100 require that a proposed project be reviewed for consistency with a local government's development regulations during project review by consideration of: 1.Type of land use; 2.Level of development, such as units per acre or other measures of density; 3. Infrastructure, including public facilities and services needed to serve the development; and 4.The characteristics of the development, such as development standards.

Conclusions based on uncontested Findings of Fact

1. The proposed sports club use has been designed to be compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property. While it is not an industrial use, it is compatible with the type and size of building needed and other uses in the complex and provides a service for the public and other tenants. *Findings of Fact Nos. 6, 9 and 10*
2. The location, size and height of portion of Building 6 where the sports club will be located will not hinder neighborhood circulation and will not discourage the permitted development or use of neighboring properties. *Findings of Fact Nos. 5 and 12*

3. The sports club has been designed to be compatible with the physical characteristics of the subject property. There are no alterations or modifications to the structure that are to be made. *Findings of Fact Nos. 10 and 11*
4. The sports club will not conflict with the health and safety of the community. *Finding of Fact No. 11*
5. The pedestrian and vehicular traffic associated with the sports club will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. *Finding of Fact No. 12*
6. Adequate parking will be available for the proposed use. *Finding of Fact No. 7*
7. Adequate public facilities or services are available to service the sports club, and the uses of the club will adversely affect public services to the surrounding area. *Finding of Fact No. 4*
8. The Sports Club has been reviewed for consistency with the City of Woodinville's development regulations and the following issues have been considered: the type of land use; the level of development, such as units per acre or other measures of density; the infrastructure, including public facilities and services needed to serve the development; and the characteristics of the development, such as development standards. With the conditions as listed below, the Agoge CrossFit sports club satisfies the requirements of the City of Woodinville Infrastructure Standards, Comprehensive Plan, and Woodinville Municipal Code. *Findings of Fact Nos. 4-12 and 14*
9. The proposed use is consistent with the Woodinville Comprehensive Plan. It will add to an active and diverse industrial area that promotes economic growth (Land Use Goal LU-11); and will protect Industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands ((Land Use Goal LU-11.2). *Finding of Fact No. 6*

DECISION

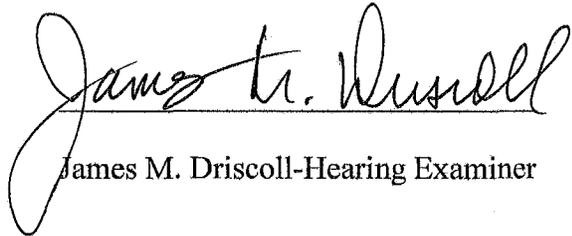
Based on the above Findings of Facts and Conclusions, derived from the official administrative record of the Hearings Examiner, the requested Conditional Use Permit to locate and operate a sports club in 5,170 square feet of a complex on Industrial Zoned land at 19400 144th Ave. NE, Woodinville is granted, subject to the following conditions:

- 1) Any expansion of the proposed use to additional tenant spaces shall require a major modification review of the conditional use permit.
- 2) Any and all interior work shall require a building permit from the City. In addition, for the minor modifications to the building, including addition of new restrooms and

showers, the Applicant must secure building, mechanical and plumbing permits from the City of Woodinville.

- 3) No occupancy shall be permitted until a final inspection and certificate of occupancy has been issued by the City of Woodinville.
- 4) All conditions of approval must be satisfied at all times of operation of the facility in order for the conditional use permit to remain valid. Any change in operations that violates any condition of approval shall require a major modification of the Conditional Use Permit request to be submitted by the Applicant for review by the City.
- 5) Unless occupancy changes are part of the building permit approval, the sizes of classes to be held onsite are limited by the occupancy as listed on the currently posted certificate of occupancy for Suite A.

Dated this 5th of February, 2013.


James M. Driscoll-Hearing Examiner