



## 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:** Curtis Clay Training

**Proponent:** Curtis Van Wyck

**Project Number:** CUP15001

**Description of proposal:** Conditional Use Permit to operate a personal training studio in an existing industrial building

**Project Decision:** Approved with Conditions

**Project Location:** 19510 144th Ave NE Suite D-7, Woodinville, WA.

**Notice of Decision Date:** February 15, 2016

**End of Appeal Period Date/Time:** February 29, 2016 by 4:00 p.m.

**Project Permit Expiration Date:** February 15, 2021

A public hearing was held before the Woodinville Hearing Examiner on January 26, 2016 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: Amanda Almgren, Project Manager, at (425) 877-2285. Email address: [amandaa@ci.woodinville.wa.us](mailto:amandaa@ci.woodinville.wa.us).

### Appeals

A party of record may appeal this decision to the Woodinville City Council. There are specific code requirements for filing an appeal, including using a City form and paying an appeal fee. Appeals should be filed with the Development Services Department in City Hall, 17301 133<sup>rd</sup> Avenue NE, Woodinville, WA 98072. An appeal must be filed within 14 days of the date of issuance of this decision, by 4:00 p.m., on February 29, 2016. Appeal filings must be in

conformance with Chapter 2.30 and 17.17 WMC. Contact the project manager listed below if you would like to file an appeal, to ensure the appeal is filed correctly.

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:** Amanda Almgren, Project Manager

(425) 877-2285

**Email address:** [amandaa@ci.woodinville.wa.us](mailto:amandaa@ci.woodinville.wa.us)



Date: 2/15/14

David Kuhl, Development Services Director

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BEFORE THE HEARING EXAMINER FOR THE CITY OF WOODINVILLE

RE: Curtis Van Wyck	)	
	)	
Conditional Use	)	FINDINGS OF FACT, CONCLUSIONS OF
	)	LAW AND FINAL DECISION
CUP15001	)	
	)	
	)	

**Summary**

The applicant has applied for a conditional use permit to operate a personal training studio in an existing light industrial building located at 19510 144th Avenue NE. The proposal is approved subject to conditions.

**Testimony**

Amanda Almgren, City of Woodinville Associate Planner, summarized the staff report. The adjoining residential parcel is several acres in size and is currently undeveloped in a landslide hazard area.

Curtis Van Wyck, applicant, clarified the location of equipment in his proposed studio.

**Exhibits**

The eleven exhibits identified at page 6 of the January 14, 2016 Staff Report were admitted into the record during the January 26, 2016 hearing. A correction memo dated January 21, 2016 was admitted as Exhibit 12. A parking calculation update dated January 20, 2016 was admitted as Exhibit 7B. The staff's power point was admitted as Exhibit 13 and the sign in sheet as Exhibit 14.

1  
2 **FINDINGS OF FACT**  
3

4 **Procedural:**

- 5 1. Applicant. Curtis Van Wyck.  
6 2. Hearing. A hearing was held on the subject application on January 26, 2015 at 10:00 am in the  
7 Woodinville City Hall Council Chambers.

8 **Substantive:**

- 9 3. Project Description. The applicant has applied for a conditional use permit to operate a personal  
10 training studio in an existing light industrial building located at 19510 144th Avenue NE.

11 The current structure on the property was constructed in 1980 and was intended to serve light industrial  
12 uses. The site currently houses several wineries, a brewery, a bakery, woodworking, and other industrial  
13 businesses. The proposed use would be located in Suite D-7 near the south east corner of the building.  
14 Immediately to the east of the suite is Triplehorn Brewing and to the west is a vacant suite.

- 15 4. Surrounding Area. The surrounding area is comprised of industrial uses on three sides and R-1  
16 zoned lots to the east. What appears to be the sole adjoining residentially zoned parcel to the east is a  
17 vacant multi-acre parcel in a landslide hazard area.

- 18 5. Adverse Impacts. There are no significant adverse impacts associated with the project, which is to  
19 be expected since the use is fairly benign and will be located within an existing building with no exterior  
20 alterations. Impacts are specifically addressed as follows:

21 A. Traffic. Traffic impacts are anticipated to be nominal. The City's public works  
22 department has determined that no traffic improvements are necessary. Staff has also determined that the  
23 pedestrian and vehicular traffic generated by the proposal will not be hazardous and not conflict with  
24 existing and anticipated traffic in the neighborhood. Part of this staff conclusion is based upon a  
25 recommended staff condition, adopted by this decision that requires children under 16 to stay on the  
26 premises unless accompanied by an adult. Given that the applicant will only train up to four clients per  
hour, it is likely that the proposal will generate less traffic than what was originally estimated for the  
original land use review for the building. In addition, the nature of the proposal will not necessitate any  
significant number of commercial deliveries.

B. Noise, Light, Odor. The proposal will not create any significant noise, light or odor  
impacts. Staff came to this conclusion in the staff report based upon the nature of the proposed use and its  
location within an existing building. The preponderance and substantial evidence supports this  
determination.

1 C. Compatibility. The proposal is fully compatible with surrounding industrial and  
2 residential use. Given the small scale of the use and its location within an existing building, it is unlikely  
3 that anyone in surrounding uses will even know the use is there. Further, the nearest residential uses are  
heavily buffered by existing trees.

4 D. Parking. The proposal is served by adequate parking. Parking is currently shared by all of  
5 the uses of the project site. As outlined in Ex. 7B, there are 106 parking stalls on the project site and City  
parking standards only require 99 stalls.

6 E. Critical Areas. According to the City's critical areas map, the site is partially located  
7 within an erosion hazard area and within the buffer of a Type IV stream. However, since the project area  
8 is already fully developed and the proposal involves no exterior alterations and no exterior impacts other  
than parking, the proposal is not anticipated to create any negative impact to critical areas.

9 F. Public Services and Facilities. The proposal will be served by adequate public facilities  
10 and services. Staff has determined that no water or sewer service is necessary since those services are  
11 already provided for the building and are sufficient for the proposed use. The staff report notes that no  
12 agency comments were received on sufficiency of agency service. Given that the proposal is located  
13 within an existing building that has already undergone separate land use review and that parking and  
14 transportation facilities are adequate as determined above, it is determined that the preponderance and  
substantial evidence establishes that the proposal is adequately served by all necessary public services  
and facilities. It is also determined that the proposal will not adversely affect public services and facilities  
as nothing about the modest proposal reasonably suggests such an outcome.

## 15 **Conclusions of Law**

16  
17 1. Authority. WMC 17.07.030 classifies conditional use applications as Type III processes.  
18 Conditional Use Permits are processed as a Type III application. WMC 17.07.030 authorizes the  
19 hearing examiner to hold open record hearings on Type III permits and issue a final decision, subject to  
closed record appeal to the City Council.

20 2. Zoning/Comprehensive Plan Designations. The subject property is zoned Industrial (I). The  
21 comprehensive plan land use designation is also Industrial.

22 3. Review Criteria. WMC 21.08.050(A) requires a conditional use permit for sport and recreational  
23 instruction within the Industrial zoning district. Conditional use criteria are governed by WMC  
24 21.44.050. All applicable criteria are quoted below in italics and applied through corresponding  
conclusions of law.

25 **WMC 21.44.050(1):** *The conditional use is designed in a manner which is compatible with the*  
26 *character and appearance of the existing or proposed development in the vicinity of the subject*  
*property;*

CONDITIONAL USE

1 4. The proposal is compatible with surrounding uses as determined in Finding of Fact (FOF) No.  
2 5(C).

3 **WMC 21.44.050(2):** *The location, size and height of buildings, structures, walls and fences, and*  
4 *screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage*  
5 *the permitted development or use of neighboring properties;*

6 5. Given the modest intensity of the proposal, its lack of traffic impacts as determined in FOF No.  
7 5(A) and its location within an existing building, it is concluded that the proposal will not hinder  
8 neighborhood circulation or discourage the development or use of neighboring properties.

9 **WMC 21.44.050(3):** *The conditional use is designed in a manner that is compatible with the*  
10 *physical characteristics of the subject property;*

11 6. Given that there are no exterior alterations proposed, it is concluded that the proposal is designed  
12 in a manner that is compatible with the physical characteristics of the subject property.

13 **WMC 21.44.050(4):** *Requested modifications to standards are limited to those which will mitigate*  
14 *impacts in a manner equal to or greater than the standards of this title;*

15 7. No modifications to standards are proposed.

16 **WMC 21.44.050(5):** *The conditional use is not in conflict with the health and safety of the*  
17 *community;*

18 8. As determined in FOF No. 5, there are no adverse impacts associated with the proposal.  
19 Consequently, it is determined that the proposal is not in conflict with the health and safety of the  
20 community.

21 **WMC 21.44.050(6):** *The conditional use is such that pedestrian and vehicular traffic associated*  
22 *with the use will not be hazardous or conflict with existing and anticipated traffic in the*  
23 *neighborhood; and*

24 9. As determined in FOF No. 5(A), the proposal will not generate any pedestrian or vehicular traffic  
25 that is hazardous or in conflict with existing and anticipated traffic in the neighborhood. The criterion  
26 quoted above is met.

**WMC 21.44.050(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.*

10. The proposal is served by adequate public facilities and services and will not adversely affect  
those facilities and services as determined in FOF No. 5(F). The criterion quoted above is met.

1  
2 **DECISION**

3 Conditional Use Permit Application No. CUP15001 satisfies all conditional use criteria as determined  
4 in the Conclusions of Law of this decision and is therefore approved subject to the following conditions:

- 5 1. This conditional use permit allows for the operation of a sports club business in an existing  
6 tenant space that is approximately 3,500 square feet. Any expansion of this use into  
7 additional tenant spaces will require a modification of the conditional use permit.  
8 2. Children under 16 years of age will be required to stay on the premises and not leave without  
9 the accompaniment of an adult.  
10 3. All conditions of approval shall be met at all times in order for the conditional use permit to  
11 be valid. Any change in operations that violates any condition of approval requires a major  
12 modification of the conditional use permit, to be submitted by the applicant.

13  
14 DATED this 8<sup>th</sup> day of February, 2016.

15   
16 Phil A. Olbrechts

17 Hearing Examiner for City of Woodinville

18 **Appeal Right and Valuation Notices**

19 WMC 17.07.030 provides that the final decision of the Hearing Examiner is subject to appeal to the  
20 Renton City Council. WMC 17.17.040(1) requires appeals of the Hearing Examiner's decision to be  
21 filed within fourteen (14) calendar days from the date of the Hearing Examiner's decision.

22 Affected property owners may request a change in valuation for property tax purposes notwithstanding  
23 any program of revaluation.  
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