



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: Spinderella Studios

Proponent: John and Marisa Oka

Project Number: CUP14001

Description of proposal: Conditional Use Permit to operate a dance studio in an existing building

Project Decision: Approved with Conditions

Project Location: 19151 144th Ave NE Suite L, Woodinville, WA.

Notice of Decision Date: March 9, 2015

End of Appeal Period Date/Time: March 23, 2015 by 4:00 p.m.

Project Permit Expiration Date: March 9, 2020

A public hearing was held before the Woodinville Hearing Examiner on February 2, 2015 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: Jenny Ngo, Project Manager, at (425) 877-2283. Email address: jennyn@ci.woodinville.wa.us.

Appeals

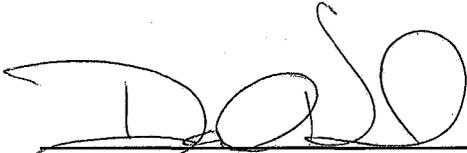
A party of record may appeal this decision to the Woodinville City Council. There are specific code requirements for filing an appeal, including using a City form and paying an appeal fee. Appeals should be filed with the Development Services Department in City Hall, 17301 133rd Avenue NE, Woodinville, WA 98072. An appeal must be filed within 14 days of the date of issuance of this decision, by 4:00 p.m., on March 23, 2015. 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: Jenny Ngo, Project Manager
Email address: jennyn@ci.woodinville.wa.us

(425) 877-2283



David Kuhl, Development Services Director

Date: 3/9/15

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3 **Exhibits**

4 The ten exhibits identified at page 7 of the February 9, 2014 Staff Report were admitted into the
5 record during the February 17, 2015 hearing. Staff presented an amended Ex. 9 (Notice of
6 Application) to replace the Notice of Application that had been mailed to the hearing examiner.

7 **FINDINGS OF FACT**

8 **Procedural:**

- 9 1. Applicant. Jon and Marisa Oka.
10 2. Hearing. A hearing was held on the subject application on February 18, 2015 at noon in the
11 Woodinville City Hall Council Chambers.

12 **Substantive:**

- 13 3. Project Description. The applicant has applied for a conditional use permit to operate a
14 dance studio in an existing commercial building located at 19151 144th Ave NE. The dance studio
15 will host work out sessions using poles. Sessions are limited to eight clients at a time due to the
16 number of poles. No exterior alterations to the existing building are proposed. No signage is
17 proposed.

18 The existing building was constructed in 2009-10 and was intended as a heavy commercial/light
19 industrial development. The building is part of a complex of four buildings known as the
20 Woodinville Auto Center. See Ex. 3. The project site currently houses several wineries, automotive
21 service, and a quick service restaurant. The proposed use would be located on a mezzanine located
22 on the east portion of Building 2.

- 23 4. Surrounding Area. The surrounding area is comprised of industrial uses on three sides and R-
24 8 zoned apartments to the south.

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

28 A. Traffic. Traffic impacts are anticipated to be nominal given that work out sessions
29 will be limited to eight clients. Using prior traffic studies prepared for the complex, staff determined
30 that the trip generation estimated for the use would fall within anticipated projections and no off-site
31 improvements are necessary. In addition, the proposal will not necessitate any commercial deliveries.
32 Staff have also determined that the pedestrian and vehicular traffic generated by the proposal will not

1 be hazardous and not conflict with existing and anticipated traffic in the neighborhood. The staff
2 findings on these issues are taken as verities given the absence of any evidence to the contrary and
3 the modest nature of the proposal. Part of the justification for this finding is based upon the condition
that children under 16 not leave the premises without the accompaniment of an adult.

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

7 C. Compatibility. The proposal is fully compatible with surrounding industrial and
8 multi-family uses. Given the small scale of the use and its location within an existing building, it is
unlikely that anyone in surrounding uses will even know the use is there.

9 D. Parking. The proposal is served by adequate parking. Parking is currently shared by
10 all four buildings at the project site. As outlined in the Parking Utilization Report, Ex. 6, the
11 Woodinville Municipal Code (“WMC”) requires 114 parking stalls for the entire project site, but only
12 81 are provided. WMC 21.18.030(2) authorizes the development services director to reduce parking
13 stall requirements by up to 50% upon a showing that less parking will meet demand. The Parking
14 Utilization Report established that during peak usage on Saturdays parking demand only comprised
15 69% of the 81 parking stalls. It is unclear from the record whether the Development Services Director
has actually approved a reduction in the required parking, although the staff report concludes that
parking demand is adequately met by existing parking. In order to ensure that the parking demand
issue has been properly addressed, the conditions of approval will require approval of a reduction by
the Director.

16 E. Critical Areas. A wetland and Type 4 stream are located on the project site.
17 However, since the project area is already fully developed and the proposal involves no exterior
18 alterations and no exterior impacts other than parking, the proposal is not anticipated to create any
negative impact to critical areas.

19 F. Public Services and Facilities. The proposal will be served by adequate public
20 facilities and services. Staff have determined that no water or sewer service is necessary since those
21 services are already provided for the building and are sufficient for the proposed use. The staff report
22 notes that no other agency comments were received on sufficiency of agency service. Given that the
23 proposal is located within an existing building that has already gone separate land use review and that
24 parking and 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.

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26 **Conclusions of Law**

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2 1. Authority. WMC 17.07.030 classifies conditional use applications as Type III processes.
3 Conditional Use Permits are processed as a Type III application. WMC 17.07.030 authorizes the
4 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.

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

7 3. Review Criteria. WMC 21.08.050(A) requires a conditional use for sport and recreational
8 instruction within the Industrial zoning district. Conditional use criteria are governed by WMC
9 21.44.050. All applicable criteria are quoted below in italics and applied through corresponding
conclusions of law.

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

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

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

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

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

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

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

25 7. No modifications to standards are proposed.

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

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

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

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

10 **WMC 21.44.050(7):** *The conditional use will be supported by adequate public facilities or services*
11 *and will not adversely affect public services to the surrounding area or conditions can be established*
12 *to mitigate adverse impacts on such facilities.*

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

15 **DECISION**

16 Conditional Use Permit Application No. CUP14001 satisfies all conditional use criteria as
17 determined in the Conclusions of Law of this decision and is therefore approved subject to the
18 following conditions:

- 19 1. This conditional use permit allows for the operation of a sports and recreation instruction
20 business in an existing tenant space that is approximately 1,900 square feet. Any
21 expansion of this use into additional tenant spaces will require a major modification of
22 the conditional use permit.
- 23 2. Children under 16 years of age will be required to stay on the premises and not leave
24 without the accompaniment of an adult.
- 25 3. Class sizes are limited by the occupancy listed on the certificate of occupancy.
- 26 4. All conditions of approval shall be met at all times in order for the conditional use permit
to be valid. Any change in operations that violates any condition of approval requires a
major modification of the conditional use permit, to be submitted by the applicant.
5. The parking space reduction necessary for the proposal as proposed in Ex. 6 shall be
approved by the Development Services Director as authorized by WMC 21.18.030(2).

1 DATED this 4th day of March, 2015.

2 
3 Phil A. Olbrechts

4 Woodinville Hearing Examiner

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6 **Appeal Right and Valuation Notices**

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

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

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