



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

PROJECT NAME: Spinderella Studios

FILE NUMBER: CUP14001

PROJECT DESCRIPTION: Conditional Use Permit to operate a dance studio in an existing commercial building

APPLICANT: Jon and Marisa Oka

CONTACT: Jon and Marisa Oka

PROPERTY OWNER: Craig MacKay

LOCATION OF PROPOSAL: 19151 144th Avenue NE

ASSESSOR'S PARCEL NUMBER(S): 0326059127

CURRENT USE: Commercial/Industrial

CURRENT ZONING: Industrial

COMPREHENSIVE PLAN DESIGNATION: Industrial

SHORELINE DESIGNATION: N/A

STAFF RECOMMENDATION: Staff recommends that the hearing examiner approve, subject to conditions

STAFF CONTACT: Jenny Ngo, AICP *JN* *CR*
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DATE OF REPORT: February 9, 2014

DATE OF HEARING: February 18, 2014

PROJECT DESCRIPTION:

Location: 19151 144th Avenue NE; located in the North Industrial neighborhood.

Legally described as POR OF E 1/2 OF NW 1/4 OF SE 1/4 BEG E 1/4 COR OF SEC TH N 88-58-13 W ALG E-W C/L THOF 1330.70 FT TO NE COR SD E 1/2 TH S 00-13-19 W ALG E LN THOF 99.01 FT TH N 88-58-13 W PLT SD E-W C/L 30 FT TH S 00-13-19 W PLT SD E LN 539.05 FT TO TPOB TH CONTG S 00-13-19 W 634.35 FT TO NLY MGN OF NE 190TH ST TH N 88-52-53 W ALG SD MGN 226.54 FT TH N 00-13-19 E

634 FT TH S 88-58-13 E 226.53 FT TO TPOB; LESS POR LY SLY OF NLY MGN OF NE 195TH ST LESS ELY 5 FT OF NLY 285 FT OF SLY 305 FT THOF PER SCC #89-2-05780-8 & LESS POR FOR R/W PER REC #20100212000272, Woodinville, WA.

Parcel Size:	3.11 acres
Site/Area Description:	<p>This property was developed in 2009-2010 with four commercial buildings. Current uses include automotive-related commercial and service, winery and brewery operations and a small restaurant.</p> <p>The property is located in the North Industrial District, at the southern boundary of the Industrial zone.</p>
Utilities:	<p>Water: Woodinville Water District Sewer: Woodinville Water District Electricity: Puget Sound Energy Natural Gas: Puget Sound Energy Phone/Cable: Frontier, Comcast</p>
Fire Service:	Woodinville Fire and Rescue
Access/Street Improvements:	This proposal is accessed from a driveway off 144th Avenue NE. No improvements as proposed as part of this project.
Surrounding Land Uses/Zoning:	<p>North: Industrial uses/Industrial South: Residential uses/Residential, 8 units per acre West: Industrial uses/Industrial East: Industrial uses/Industrial</p>

BACKGROUND

The development was constructed in 2009-2010 and intended as a heavy commercial/light industrial development. The site currently houses several wineries, automotive service, and quick service restaurant. The proposed use would be located on a mezzanine located on the east portion of Building 2. The property has been owned by Woodinville Way LLC since 2006.

Jon and Marisa Oka submitted an application for a Conditional Use Permit, to operate a fitness studio, to the City of Woodinville for property(s) located at 19151 144th Avenue NE. The application for a Conditional Use Permit was received by the City of Woodinville on September 11, 2014.

This project requires a Conditional Use Permit, and a building permit to complete the interior tenant improvements.

PUBLIC NOTICE

The application was determined incomplete on September 25, 2014 and a letter was sent out the same day. Application revisions were submitted on November 13, 2014, and the application was determined complete on November 18, 2014.

The Notice of Application was issued on November 24, 2014, within 14 days of the determination of completeness. A 15-day comment period was utilized for the Notice of Application, which was mailed to property owners within 500 feet, published in the *Woodinville Weekly*, and posted on the site and other Public Notice locations consistent with Chapter 17.11 WMC. Additional information was requested from the applicant on December 18, 2014 and the applicant provided a response on December 27, 2014.

The Notice of Hearing was issued on February 2, 2015, more than 15 days prior to the public hearing. The notice was mailed to property owners within 500 feet, published in the *Woodinville Weekly*, and posted on the site and other Public Notice locations consistent with Chapter 17.11 WMC.

COMPREHENSIVE PLAN

The Comprehensive Plan encourages northwest woodland character design, promotes pedestrian friendliness and traffic linkages, encourages recreation space, and requires adequate infrastructure for development within the City limits. The City of Woodinville Comprehensive Plan Future Land Use Map designates this property as Industrial. Pursuant to WMC 17.13.010, the proposal complies with the intended goals, objectives, and policies of the Comprehensive Plan. The following Comprehensive Plan Policies apply to this project:

Goal LU-10: To provide an active and diverse industrial area that promotes industrial growth.

Policy LU-10.1: Limit non-industrial use of industrial lands to uses which are complementary to industrial activities, and do not create potential land use conflicts with industrial activities.

Policy LU-10.2: Protect industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands.

Staff comment: The site is located within the Industrial zoning district and contains a mix of businesses. The proposed fitness studio is located in a portion of the property that is designated for office or retail commercial space, and will not replace potential industrial uses on the site. The proposed fitness studio is a conditional use, requiring specific conditions in order to operate safely in conjunction with industrial uses.

Goal ED-1: To take a positive, partnership role in retaining and enhancing the existing diverse and vital economic base in the City by assisting existing firms and welcoming new firms that will enhance the quality of the economic base.

Policy ED-1.1: Maintain and enhance the existing level of industrial development which may allow a mixture of business and employment opportunities.

Goal PRO-2: To ensure adequate and enriching recreational activities for the citizens of Woodinville.

STAFF ANALYSIS

GENERAL:

1. The property currently houses Woodinville Auto Center, which is a mixed commercial/industrial development comprised of four separate buildings and associated parking. The property houses multiple tenants, including an auto repair shop, brewery, wineries, and fast food restaurant. The property is owned by Woodinville Way LLC. Jon and Marisa Oka own Spinderella Studios and are tenants that lease a space within the property.

2. The parcel is zoned Industrial and is approximately 3.11 acres. A wetland and stream run through the northern portion of the property. The property is a corner lot located adjacent to 144th Avenue NE to the east and NE Woodinville Way to the south. Both streets are designated as local access streets. A mix of industrial, commercial, and multi-family residential uses surrounds the property.
3. Jon and Marisa Oka submitted a Conditional Use Permit to locate a fitness studio in existing office space in the northeast portion of Building 2. The space is approximately 1,900 square feet, with approximately 1,280 square feet assigned to the fitness room. The applicants have made the property owner aware of the proposal, as indicated on the Owner Authorization Form (Exhibit 2).
4. Pursuant to WMC 21.08.050(A), a Conditional Use Permit is required for sport and recreational instruction in the Industrial zone. Conditional Use Permits are processed as a Type III application. The Hearing Examiner is designated as the authority to decide Conditional Use Permits pursuant to WMC 17.07.030.
5. Proper legal notice of the hearing was provided in accordance with Chapter 17.11 WMC. The notice was posted on the property and on public notice boards, mailed to property owners consistent with WMC 17.11.040, and published in the *Woodinville Weekly* newspaper on February 2, 2014, more than 15 days prior to the date of the hearing pursuant to WMC 17.11.030.

ZONING STANDARDS:

6. Spinderella Studios is a fitness studio that incorporates different styles of dance and aerial arts such as pole or Zumba dancing, hoop artistry, and basic gymnastics. The fitness studio is open to the public and offers classes to a range of different levels. Two land use categories were identified under the permitted use table in Chapter 21.08 WMC. Staff initially identified the studio as a "specialized instruction school" pursuant to WMC 21.06.612, which defines the use as "establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including...dance." Based on information from the applicant, the use is intended to provide guided fitness instruction, and qualifies under NAICS 611620 as Sports and Recreational Instruction. Pursuant to WMC 21.08.050(A), sports and recreational instruction is a conditional use in the Industrial zone.
7. The property is developed with four existing buildings with several different tenants. Construction permits for site and shell building permits were issued between 2008 and 2009 in compliance with the codes in effect during that time, including height, setbacks, floor area ratio, impervious surface, and building coverage. The proposal is for an internal tenant improvement and does not include any changes to the bulk or dimensional requirements (Chapters 21.12 and 21.14 WMC), trees (Chapter 21.15 WMC), landscaping (Chapter 21.16 WMC).
8. The site includes a Type 4 stream running through the northern portion of the site. Pursuant to Chapter 21.24 WMC, streams are critical areas and are subject to the City's critical area ordinance. During initial construction of the development, the portion of the stream on the property was restored and placed in a separate protection easement. The proposal is interior to an existing building and does not include any external site work. The proposal will not impact the existing stream on the property.
9. The required parking rate for sports and recreational instruction, which qualifies as a general service use, is one space per 300 square feet of net square footage. The total space is approximately 1,900 square feet, which requires six spaces. The applicant submitted a Parking Utilization Report prepared by Gibson Traffic Consultants on February 5, 2015 for the property, including Spinderella Studios (Exhibit 6). The Parking Report evaluated parking demand on the site based on the present tenant mix and occupancy rate. A parking count was conducted on a Saturday afternoon, which was intended to capture the development's peak parking usage. The parking report concluded that the property has sufficient parking on site to meet

the demands of existing users as well as other potential future uses. The site will have sufficient parking to meet the parking demand for the proposed use.

10. Traffic impact fees are reviewed as part of a building permit or change of use pursuant to Chapter 3.39 WMC. The Public Works Department has determined that no traffic impact fees are required for the project, as the use is an interior tenant improvement pursuant to WMC 3.39.050.
11. No signage is proposed as part of the proposal. A sign permit is required for any signage installed for the project pursuant to Chapter 21.20 WMC.

CONDITIONAL USE PERMIT CRITERIA:

1. Pursuant to WMC 21.44.050, the following criteria must be satisfied before the Hearing Examiner approves a conditional use permit:
 - (a) 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.

Staff comment: The proposed fitness studio will be located inside an existing building. No new modifications or changes to the exterior are proposed. Parking is available close to the studio entrance, reducing potential conflicts with pedestrians or automobile-reliant businesses in the development. The hours of operation for the use are limited to daytime (late morning to early evening hours), and should not conflict or impact other uses or alter the character of the surrounding development. The proposal complies with this requirement.
 - (b) 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.

Staff comment: No exterior modifications are proposed. The fitness studio is located on the upper floor with medium-sized windows facing north and west, which reduces overall visibility of the use. The building will continue to appear as a commercial/industrial development. A loading area is available adjacent to the fitness studio that may serve to provide safe pick up and drop off. Children under 16 years of age will be required to stay on site and not leave without the accompaniment of an adult.
 - (c) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

Staff comment: The proposed use is located on the second story and generally not visible from public view. A single door located in the main commercial area towards the center of the property leads to a set of stairs to the studio. Additionally, Building 4 faces the fitness studio and shields the use from neighboring properties. No changes to the physical characteristics of the building are proposed.
 - (d) 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.

Staff comment: No modifications from the standards are proposed by the applicant for this project.
 - (e) The conditional use is not in conflict with the health and safety of the community.

Staff comment: With application of the development conditions in Chapter 21.08 WMC and as recommended by staff, potential impacts to the general health, welfare and safety are minimized. The fitness studio includes trained instructors that provide small class instruction for students. The fitness studio is contained within the tenant space does not generate any

additional impacts such as noise, odor, light or other similar impacts. The applicant requesting the minimum necessary to operate a sports clubs/sports and recreation instruction uses business in this space. 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.

- (f) 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.

Staff comment: No agency comments were submitted regarding increased public services or facility needs for this project. No additional water or sewer services beyond what is already in place is required to accommodate the sports clubs/sports and recreation instruction uses.

AGENCY REVIEW:

Environmental Review: This project is categorically exempt from SEPA review pursuant to WAC 197-11-800.

Notice: Notice of this application has been provided in accordance with the provisions of Title 17 WMC. This project was circulated for review and comment on November 24, 2014 by publishing the notice in the *Woodinville Weekly*; mailing notices to property owners within 500 feet of the project and interested agencies; and posting the Notice at the site and at the official locations for City Notices. A Notice of Public Hearing was advertised in the same manner as the Notice of Application on February 2, 2015.

Public/Agency Comments: No public or agency comments were received.

DETERMINATION OF CONSISTENCY:

Revised Code of Washington 36.70B.040 – Determination of Consistency and WMC 17.13.100 requires that a proposed project shall 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.

Based on the above analysis, and with the proposed conditions listed below, staff finds that the Spinderella Studios project has met the requirements of the City of Woodinville Infrastructure Standards, Comprehensive Plan, and Woodinville Municipal Code.

STAFF RECOMMENDATION:

The proposed project was found to be consistent with and meet the intent of the Woodinville Comprehensive Plan and applicable development regulations; therefore, staff recommends **APPROVAL** of the Spinderella Studios (File No. CUP14001), subject to the following conditions:

1. This conditional use permit allows for the operation of a sports and recreation instruction business in an existing tenant space that is approximately 1,900 square feet. Any expansion of this use into additional tenant spaces will require a major modification of the conditional use permit.
2. Children under 16 years of age will be required to stay on the premises and not leave without the accompaniment of an adult.
3. Class sizes are limited by the occupancy listed on the certificate of occupancy.
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.

EXHIBIT LIST

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| Exhibit 1 | Staff Report |
| Exhibit 2 | Application received September 11, 2014 |
| Exhibit 3 | Site Plan received September 11, 2014 |
| Exhibit 4 | Email from Jon Oka sent December 27, 2014 |
| Exhibit 5 | CUP criteria and project information |
| Exhibit 6 | Parking Utilization Report prepared by Gibson Traffic Consultants |
| Exhibit 7 | Notice of Incomplete Application dated September 25, 2014 |
| Exhibit 8 | Notice of Complete Application dated November 18, 2014 |
| Exhibit 9 | Notice of Application dated November 24, 2014 |
| Exhibit 10 | Notice of Hearing dated February 2, 2015 |