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February 24, 2014

Woodinville Hearing Examiner
City of Woodinville
17301 133rd Avenue N.E.
Woodinville, Washington 98072

Re: Conditional Use Permit for i-Ball

Dear Woodinville Hearing Examiner:

This office represents Kirkwood Industries, the owner of property located at 14207 N.E. 193rd Place in Woodinville. Kirkwood has asked me to provide comments on the application of i-Ball to establish a sports club in the Northwood Industrial Park on property zoned "Industrial" by the City of Woodinville. I-Ball's use requires a conditional use permit from the City.

To orient the Hearing Examiner, attached hereto is an aerial photograph showing the location of the i-Ball proposed use and Kirkwood. The i-Ball use is to be located in the southwest corner of Building A of the Northwood Industrial Park. The uses are separated only by a 40 foot access easement that serves both Kirkwood and Building A.

Kirkwood Industries Inc. is a distributor and manufacturer of steel products, including rebar fabrication for the residential, commercial and agricultural marketplace. Kirkwood is a family owned company that was started by Tom Robinson from an office in his home in 1989. In the past 25 years, Kirkwood has grown such that they purchased their current building at 14207 NE 193rd Place in Northwood Industrial Park South in January 2006. A true success story, Kirkwood provides family wage jobs for their 15 employees.

Kirkwood regularly receives steel rebar from outside suppliers and reworks this material for various users. Often, Kirkwood customers pick up steel at their facility or it is shipped by Kirkwood to various job sites. Deliveries of steel and shipments of finished products, including customer pickup, all involve large industrial vehicles, often flatbed trucks as long as 53 feet. Loading and unloading of 20' and 40' containers and flatbed trucks takes place both at Kirkwood's loading dock and from the area of shared easement. These loads can involve as much as 30 tons of steel. Photographs depicting these operations will be provided at the hearing.

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I-Ball proposes to establish a youth basketball program in a 12,000 square foot space at the southwest corner of Building A, only 40 feet from the operating area of Kirkwood. The proposal includes use of full and half court basketball facilities for teenagers. I-Ball describes itself as a "sports club" under the Woodinville Zoning code, which is defined by the code as follows:

21.06.620 Sports club.

Sports club: an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including uses located in NAICS Industry Nos.:

- (1) 71394 – Physical fitness facilities; and
- (2) 7139 – Membership sports and recreation clubs. (Ord. 375 § 2, 2004; Ord. 347 § 8, 2003; Ord. 175 § 1, 1997)

Kirkwood is concerned that the establishment of this recreational use, involving young children, will create conflicts with their industrial operations. Kirkwood and other adjacent industrial uses employ large vehicles in the delivery of product to their facilities. Off load of the typical 20 foot lengths of steel rebar is done by forklifts. As a property owner in this industrial park, Kirkwood is concerned that the industrial character of the area be protected against incompatible uses.

Industrial parks and private industrial properties usually involve uses and activities that are incompatible with uses in other zones because of noise, appearance and vehicular movements. Give the difficulty of locating industrial uses, most jurisdictions, including Woodinville, protect such industrial land from other uses. This intent is demonstrated by the Goals and Policies of the Economic Development Element of the Woodinville Comprehensive Plan:

GOAL ED-3: To address the potential increasing shortage of commercial and industrial land within the City's current boundaries.

Policies

ED-3.1 Maintain a current inventory of available land for non-residential redevelopment and new development, and carefully assess the most appropriate zoning category based on future employment needs consistent with the community vision and character.

ED-3.2 Increase the intensity of commercial and industrial areas by encouraging redevelopment and infill development.

ED-3.3 Preserve the amount of land in the Comprehensive Plan designated for commercial and industrial development.

(Emphasis supplied.)

Goal LU-1.1 provides that:

Limit non-industrial use of industrial land to uses which are complementary to industrial activities, and do not create potential land use conflict with industrial activities.

Goal LU-11.2 provides that:

Protect industrial lands from encroachment by other land uses, which would reduce the economic viability of industrial lands.

These comprehensive plan goals are carried through to the Woodinville zoning code:

21.04.130 Industrial zone.

(1) The purpose of the Industrial zone (I) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

(a) Allowing for a wide range of industrial and manufacturing uses;
(b) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts;
and

(c) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(2) Use of this zone is appropriate in industrial areas designated by the Comprehensive Plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(Emphasis supplied.)

As is obvious, the proposed i-Ball use is not an Industrial use, but as described in its application, "a sports club that coaches kids in basketball." Accordingly, the touchstone for consideration of this conditional use permit in the Industrial zone is whether this nonindustrial use is one that is "necessary to directly support industrial activities."

In fact, i-Ball does not support in any manner, the industrial activities conducted by Kirkwood or other industrial companies in this industrial park. i-Ball patrons have no relation to industrial activity and will neither serve nor support industrial uses. The i-Ball conditional use does not "preserve the amount of land in the Comprehensive Plan designated for commercial and industrial development." Rather than "increasing the intensity of commercial areas" it decreases such intensity by introducing nonindustrial uses, in fact foreclosing the establishment of other compatible industrial uses.

No showing is made by the i-Ball facilities that it is "necessary to directly support these industrial activities."

It is also clear that industrial businesses employ skilled workers who make wages that support families in the community. Displacement of such uses can have a

cumulative impact on economic activity in the city. While coaching kids' basketball is a worthwhile endeavor, industrially zoned land supports the regional job base, as the 2009 Comprehensive Plan states, regarding economic development of the Woodinville community:

6.3 Implementation Strategies and Monitoring

1. Identify the firms that support regional job base and that offer economic stability. (Implements ED-1.1 & 5.1)

For these reasons, and others, the i-Ball project is not consistent with the criteria for conditional use permits, as follows:

(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;*

The i-Ball use is not compatible with the character of existing development in this area. i-Ball is not an industrial use and introduces young children into a busy industrial area with large trucks, forklifts and other hazard. Kirkwood is immediately across a forty foot easement from this activity. Moving the use to the northwest portion of Building A will reduce potential impacts by separating these uses.

(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**;*

Neighborhood circulation of industrial uses is hindered by traffic from sporting activity that involves young children. Locating the i-Ball use in the northwest portion of Building A, now empty, will better separate the industrial and non-industrial uses.

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

This use should be designed to reduce traffic and pedestrian impacts. Conditions should be imposed to separate operating hours of the sport club from those of the industrial users. The use should be relocated in the empty space at the northwest corner of Building "A." In addition, conditions should be imposed to keep kids inside and not be loose in the parking areas, especially where there are a variety of attractive nuisances for young children.

(4) *The conditional use is not in conflict with the health and safety of the community;*

See (6) below.

(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*

The mixture of young children in an industrial setting creates serious concerns for

safety with the frequent movement of large vehicles.

Based on the foregoing, the i-Ball conditional use permit application should be denied. It is not consistent with comprehensive plan and zoning ordinances which call for uses that support, not detract from industrial uses.

If the Hearing Examiner decides to consider i-Ball for a conditional use permit, there should conditions placed to mitigate the inevitable conflicts.

These conditions are as follows:

1. *Require i-Ball to be located in the northwest corner of Building A.*

The northwest corner of Building A is currently vacant and is the exact same size as the proposed location for i-Ball at the southwest corner. This will provide separation of the sports club use from the industrial activity at Kirkwood, located directly across the access easement.

2. *Separate the operating hours of i-Ball from industrial working hours: require that i-Ball not commence operations until 5:30 p.m., except on weekends and holidays.*

Industrial activity at Kirkwood and other industrial users is principally an 8-5 operation, especially for industrially related truck and equipment traffic. Since i-Ball is principally an evening activity, a condition to create separate industrial working hours from time for recreational activity will remove many conflicts. i-Ball operations on weekends and holidays would have no limitations.

3. *Require that all operations of i-Ball be indoors.*

One of the greatest concerns of Kirkwood is young children walking or running in the area of movement of large vehicles and equipment. By requiring that all activity of i-Ball be indoors, some of this concern is eliminated.

Thank you for this opportunity to comment on this decision.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc
cc: Clients

iMAP Aerial Northwood Industrial Park

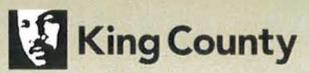


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