



## 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:** i-Ball Conditional Use Permit

**Proponent:** Kyle Keyes on behalf of i-Ball

**Project Number:** CUP13004/SEP13022

**Description of proposal:** Conditional use permit to operate i-Ball which is a sports club that coaches kids in basketball. Tenant improvements limited to bathroom upgrades and energy amendments as required through the building permit process of a change of use. SEPA is required for a conditional use.

**Project Decision:** Approved with Conditions

**Project Location:** 14304 NE 193<sup>rd</sup> Place; Woodinville, WA.

**Notice of Decision Date:** March 24, 2014

**End of Appeal Period Date/Time:** April 7, 2014 by 4:00 p.m.

**Project Permit Expiration Date:** March 24, 2019

A public hearing was held before the Woodinville Hearing Examiner on February 25, 2014 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](mailto:sarahr@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 April 7, 2014. 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:** Sarah Ruether, Project Manager

**(425) 877-2293**

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

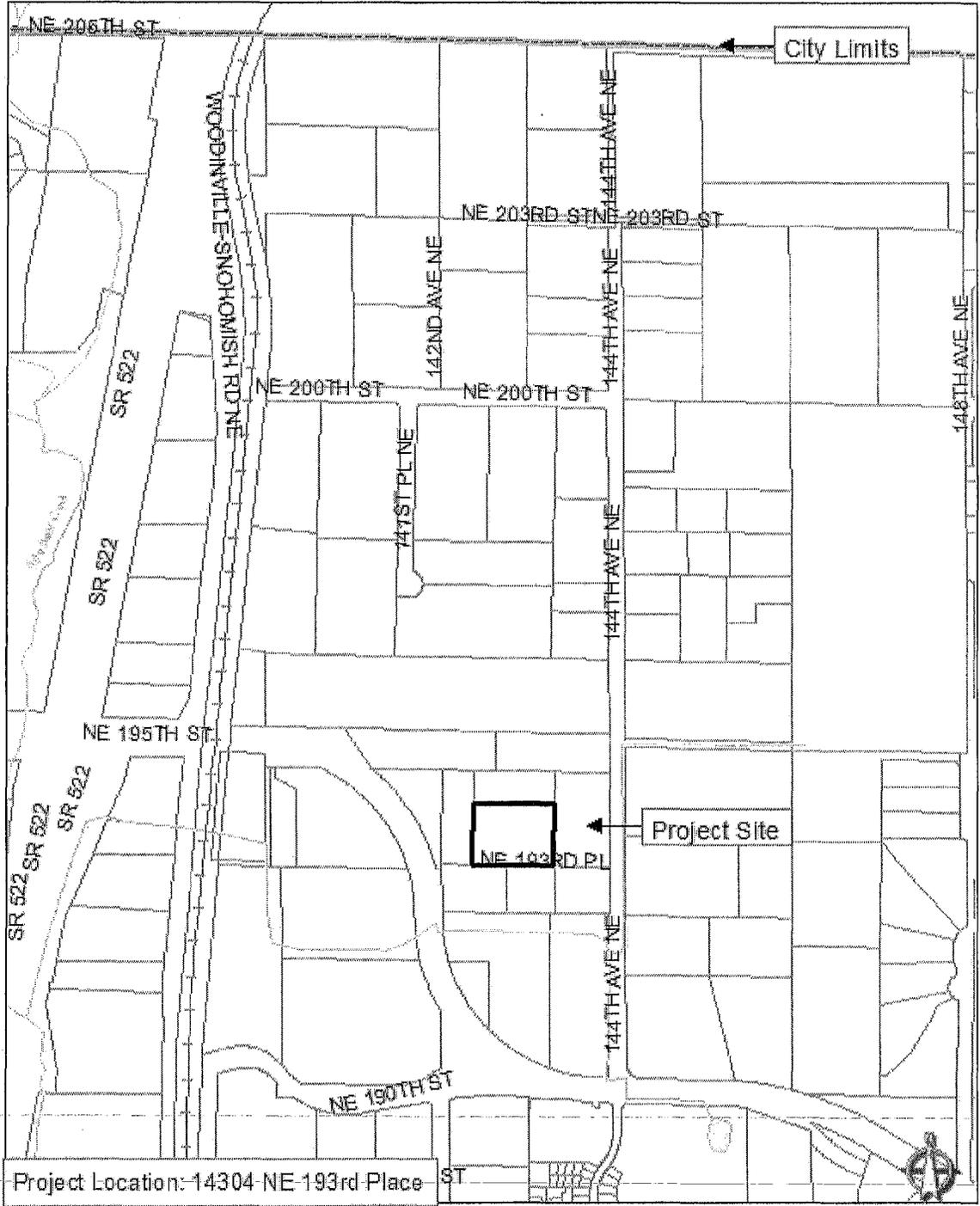


Date: 3/24/14

David Kuhl, Development Services Director

Project Name: Conditional Use for i-Ball  
File Numbers: CUP13004/SEP13022

### Location Map



**BEFORE THE HEARING EXAMINER  
FOR WOODINVILLE**

In the Matter of Application of	)	CUP13004/SEP13022
i-Ball Inc.	)	
	)	Findings of Fact and Conclusions
<u>For approval of a Conditional Use Permit</u>	)	and Decision

**SUMMARY OF DECISION**

A Conditional use permit to operate a sports club and sports education facility on an Industrial zoned parcel at 14304 NE 193<sup>rd</sup> Place, Building A, Woodinville, Washington is granted subject to the listed conditions.

**SUMMARY OF RECORD**

Request:

i-Ball, a non-profit corporation that specializes in sport training and education, requested approval of a Conditional Use Permit (CUP) to operate a sports facility at 14304 NE 193<sup>rd</sup> Place, Building A, Woodinville, Washington<sup>1</sup>. The property is zoned Industrial (I); A CUP is required for the Applicant's proposed use to be located in an I zoned parcel.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Woodinville on February 25<sup>th</sup>, 2014.

Testimony:

At the hearing, the following individuals presented testimony under oath:  
Ms, Sarah Ruether, City of Woodinville  
Rick Roberts, City of Woodinville  
Mr. Kyle Keyes, Applicant  
Mr. Eric Koch, Applicant  
Mr. Tom Robinson  
Mr. Steve Benton

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Exhibits

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

- Exhibit 1 Staff Report
- Exhibit 2 Application forms received August 13, 2013
- Exhibit 3 Site Plan
- Exhibit 4 Project Narrative, Statement on Decision Criteria, and Floor Plan
- Exhibit 5 SEPA Checklist
- Exhibit 6 Letter of Complete Application issued August 26, 2013
- Exhibit 7 Published and Posted Notice of Application September 9, 2013
- Exhibit 8 Published and Posted SEPA Determination of Non-Significance October 7, 2013

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<sup>1</sup> The legal description of the property is: Legal: LOT 2 OF KC SHORT PLAT #787036 REC #8811309002 SD SP DAF - POR OF E 1/2 OF NW 1/4 OF SE 1/4 OF STR 3-26-5 DAF- BEG AT E 1/4 COR OF SD SEC TH N 88-58-13 W ALG E/W C/L 1330.70 FT TO NE COR OF SD SUBD TH S 00-13-19 W ALG E LN 99.01 FT TH N 88-58-13 W PL W SD E/W C/L 30 FT TO TPOB TH S 00-13-19 W PLW SD E LN 357.04 FT TH N 88-58-13 W 633.84 FT TO W LN OF SD SUBD TH N 00-03-51 E ALG SD W LN TAP WCH BEARS N 88-58-13 W FR TPOB TH S 88-58-13 E TO TPOB, as recorded in King County, Washington.

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- Exhibit 9 Comment Letters to the Applicant
- Exhibit 10 Letters from Benton and Sollitt and Partners Architectural Regarding Parking
- Exhibit 11 Final Site Plan submitted 1/28/14
- Exhibit 12 Photographs of Site
- Exhibit 13 Parking Worksheet of Shared Parking in Buildings A, B, C and D
- Exhibit 14 Public Works Traffic Impact Fee Worksheet
- Exhibit 15 Public Comment
- Exhibit 16 Aramburu February 24, 2014 letter to Hearing Examiner, with aerial photo
- Exhibit 17 Witness Robinson's site photos
- Exhibit 18 Bloom February 24, 2014 letter to Woodinville Planning Department
- Exhibit 19 Lease agreement (October 17, 2012) between Benton & Sollitt LLC and Raincity Exhibits and Design
- Exhibit 20 Koch February 28, 2014 Letter to Woodinville Planning project planner
- Exhibit 21 Aramburu March 4, 2014 letter to Hearing Examiner
- Exhibit 22 Sign in sheet for hearing.

Based on the testimony and evidence submitted at the open record hearing<sup>2</sup>, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

#### FINDINGS

1. i-Ball (Applicant), a non-profit corporation that specializes in sport training and education, requested approval of a CUP to operate a facility at 14304 NE 193<sup>rd</sup> Place, Building A, Woodinville, Washington. The 1.65 acre parcel is zoned I; a CUP is required for a sports training and education facility to be located in an I zone in Woodinville. WMC 21.08.040(A) requires a conditional use for a sports club. No exterior improvements are proposed for this project.<sup>3</sup> *Exhibit 1, pgs. 1 and 6; Testimony of Ruether.*
2. The common identification of the property is Northwood Industrial Park North, a multi-tenant industrial complex, with buildings A, B, C and D. Access to the industrial park is off 144th Ave NE. The proposed use would be located in Building A. Industrial uses are located in building A and include Kirkwood Industries (rebar supply) and A&I Stone (a kitchen and bath counter tops supplier). There is a vacant space north of the proposed i-Ball location. *Exhibit 1, pg. 1*
3. The proposed site is located in the Northwood Industrial Park North development. Most of the development was constructed when the subject property was under King County jurisdiction and codes. Northwood Industrial Park North has four buildings (Buildings A, B, C and D); Buildings A, B and C were developed under King County Code standards and Building D was constructed in 1996 pursuant to City of Woodinville codes. The Applicant's proposed use would occur in the southeast corner of Building A, which fronts NE 193<sup>rd</sup>. On the south side of NE 193<sup>rd</sup> is another industrial park, Northwood Industrial Park South. *Testimony of Ms. Ruether; Exhibit 11, Pg. 1; Testimony of Mr. Koch; Exhibit 1, pg. 3.* Both Northwood Industrial Parks contain a majority of industrial and manufacturing businesses. *Exhibit 1, pg. 5*
4. Pursuant to the Washington State Environmental Policy Act (SEPA-RCW 43.21C) the project was subject for review of environmental impacts that would result from the proposed

<sup>2</sup> Exhibits 18, 19, 20 and 21 were submitted after the hearing, and, were submitted pursuant to an oral Order of the Hearing Examiner

<sup>3</sup> In post hearing filings the Applicant presented arguments that basketball was an "industry", *Exhibit 20, pg. 1*, and that the proposed facility is an allowed use in the Industrial zone in the City of Woodinville. *Exhibit 20, pg.2* These arguments are not considered because they are contrary to the use laws and provisions of WMC 21.08.040.

development. The City was the lead agency for the review. The responsible authority of the City issued a Determination of NonSignificance (DNS) on October 7, 2013. No timely appeals of the DNS were filed. *Exhibit 8, pgs. 2 and 3,*

5. Building A, which is 33,750 square feet, includes the proposed 11,340 square feet space of the Applicant in the southeastern portion of the building. *Exhibit 1, pg. 6.* The exterior of Building A, as well as the other buildings in the north industrial park, have appearances of industrial/warehouse space. There will be no exterior modification and the appearance of the building will remain as currently exists. *Exhibit 1, pg. 8.*
6. Available utilities include: Water: Woodinville Water District; Sewer: Woodinville Water District; Electricity: Puget Sound Energy; Natural Gas: Puget Sound Energy. *Exhibit 1, pg. 3.* All of the surrounding properties are zoned Industrial. *Exhibit 1, pg. 3.* No conditions or mitigation were recommended regarding the use of these services and utilities.
7. The proposed use would cater to children up to 18 years of age. The proposed hours of operation would be 3:00 pm to 9:00 pm on Monday through Friday, with peak time being from 6:00 pm through 9:00 pm. *Exhibit 4, pg. 1. Exhibit 1, pg. 8.* During the weekends the hours of operation would be 9 am to 6 pm. *Testimony of Mr. Keyes.* There would usually be only 16 children at the facility for sessions that would last 1.5 to 2 hours. There would be a "drop-off" area near the front entrance of the facility for the children. *Testimony of Mr. Keyes; Exhibit 11, pg. 1* The City submitted that "...the peak hours of the proposed i-Ball classes are when most industrial activity will be closed; staff believes potential conflict will be minimized." *Exhibit 1, pg. 5*
8. Because of the numerous vacant industrial spaces in the City, similar sports uses have been allowed in the buildings of the I zoned properties. All of these uses have been reviewed through the CUP process. A gymnastics facility, Gymnastics Connection, located at 14207 NE 193<sup>rd</sup> Place, was within a building in the Northwood Industrial Park South complex until December 2013. The Northshore batting cage facility (baseball) is currently located within building B of the Northwood Industrial Park. A dance school, the Woodinville Dance Academy, is in a north industrial zone and has safely provided after school recreation for children and teens of various ages. These named facilities, as well as the proposed use, require large open spaces and high ceilings for recreational activities. Industrial zoned properties in Woodinville often have the required physical space required for these types of activities. *Exhibit 1, pgs 4 and 5; Testimony of Ms. Ruether; Testimony of Mr. Koch*
9. Based on the observations of staff of the Woodinville Planning Department, the economic viability of Woodinville's industrial area has changed as evidenced by the large number of wineries being established with other traditional industrial and manufacturing uses. With other non-industrial uses being located in Northwood Industrial Park North and South buildings, including a Northshore Sports Complex in Building B, tenants in the industrial park continue to change with the economic needs of the area. The City submitted that the proposed use of a sports club for i-Ball would not overtake the complex that will remain primarily for industrial uses, but that it will enhance it. *Exhibit 1, pg. 5*
10. In its review of the criteria for a CUP in Woodinville, the City concluded that the proposed use will result in no impact on neighboring uses, either on-site, or to properties to the north, south, east or west. Further, the City submitted that the proposed use is not expected to interfere with the future use of neighboring properties. *Exhibit 1, pg. 5*

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11. The owner and operator of a business located in a space in the Northwood Industrial Park South complex, Mr. Tom Robinson, disagreed with the City's conclusion that the proposed use would have no impact to properties in the area. Mr. Robinson is the CEO of Kirkwood Industries, which manufactures and distributes steel products, including rebar fabrication. Kirkwood's loading docks front NE 193<sup>rd</sup> Place, and are directly across from the access to the Applicant's proposed business in Building A. Mr. Robinson submitted testimony and evidence that extensive unloading and loading of trucks occur on NE 193<sup>rd</sup> Place. The average truck at Kirkwood Industries is loaded with 30 tons of steel products that must be handled with heavy machinery. He testified that the movement of the children among the industrial trucks and loading equipment would create potential for accidents and injuries to the children. He further submitted that none of the other conditional use businesses that have been approved in other industrial complexes in Woodinville is accessed directly off NE 193<sup>rd</sup> Place. *Testimony of Mr. Robinson*. A letter from another industrial tenant in the industrial park, Rain City Exhibits and Design, expressed similar concerns. *Exhibit 15, pg. 7*
12. In response to the contention that the proposed use of basketball activities would not be compatible with existing industrial uses, the Applicant submitted that the building that would house the Applicant's business and the building used by Kirkwood Industries are separated by 80 feet, rather than 40 feet as testified by the representative of Kirkwood Industries. The buildings are separated by a private road, NE 193<sup>rd</sup> Place, and there is a common easement granted for access to both structures. *Testimony of Mr. Koch; Exhibit 20, pg. 1; Testimony of Mr. Benton*.
13. According to the Applicant, Goal LU-1 of the City's Comprehensive Plan encourages the limitation of non-industrial uses in the I zone, not the elimination of these uses. The Applicant submitted that the proposed sports club would be compatible with the industrial uses. Mr. Koch submitted that there would only be a short time when both uses were open at the same time. He also noted that the industrial uses are typically operated between 8 am to 5 pm; while the proposed sports club use is projected to open on weekdays at 3:30 pm and most of the recreational activity would occur while the industrial use is closed. *Exhibit 20, pgs. 1 and 3; Testimony of Mr. Keyes*.
14. In a February 24, 2014, letter from its attorney, Kirkwood Industries submitted suggested conditions if the CUP is approved. Included in the proposed conditions was the following:  
Separate the operating hours of i-Ball from industrial working hours; require that i-Ball not commence operations until 5:30 pm, except on weekends and holidays.  
As support for this condition it was stated that the industrial activity at Kirkwood and other industrial uses are on an 8 am to 5 pm schedules, while i-Ball's main use happens in the evening and weekend. The suggested condition, according to Kirkwood, would reduce conflicts with the industrial uses and the sports use. *Exhibit 16, pg. 5*.
15. The City reviewed the parking required for the proposed use and determined that the total number of spaces that is required for i-Ball's use would be 38 spaces. *Exhibit 1, pg. 6; Exhibit 9, pg. 2; Testimony of Ms. Ruether*. This determination was made with consideration of the owner of the site's statement on parking and Woodinville Municipal Code (WMC) 21.18.040, which allows shared parking for different uses. According to the City, there is parking available in the Northwood Industrial Complex for buildings A, B, C and D. The total number of parking spaces in the common facility is not less than the minimum required spaces for any single use. *Exhibit 1, pg. 7; Exhibit 10, pgs. 1 and 2; Testimony of Ms. Ruether*
16. A shared parking matrix for Buildings A, B, C and D that depicts a total of 200 spaces available for shared parking and 176 spaces for required parking was submitted by the Applicant. The City

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accepted the figures and calculations as being accurate, *Exhibit 1, pg. 7; Exhibit 13; Testimony of Ms. Ruether; Testimony of Mr. Koch*. The parking matrix did not include any of the required or available parking for Kirkwood Industries, which has parking exclusively reserved as part of their lease, *Exhibit 1, pg. 7; Exhibit 13*. As part of the implementation of the parking matrix, the property owner, Benton and Sollitt, agreed to remove all markings that limit parking for different businesses, *Exhibit 1, pg. 7; Exhibit 13*.

17. The Woodinville Public Works Director determined that the limited increase in pm peak hour vehicular trips to the site would not require a traffic analysis to evaluate potential level of service issues on the public street system, *Exhibit 1, pg. 9*
18. At the hearing, Mr. Robinson and his counsel submitted that the Applicant should consider other spaces in Building A to locate the sports facility, *Testimony of Mr. Robinson*. In response to this argument, the City Planning representative noted that the review of the project was of the proposed space, and that the relocation of the facility would trigger a new review, *Testimony of Ms. Ruether*. The landlord of the other space testified that the space is being offered to another party and negotiations are ongoing, *Testimony of Mr. Benton*
19. At the hearing, Mr. Keyes submitted that i-Ball had already expended significant amounts of money in developing the site and that they could not recapture that investment if required to move to a different space, *Testimony of Mr. Keyes*. In a rebuttal response, Kirkwood's attorney submitted that the expenditure of money prior to securing permits is not a consideration to support the issuance of the permit, *Exhibit 22, pg. 2*
20. In post hearing filings the Applicant submitted that 193<sup>rd</sup> Place is a fire lane and that the activities of Kirkwood Industries block the fire lane, *Exhibit 20, pg. 3*. In response, Kirkwood Industries submitted that no fire lanes have been established within Northwood Industrial Park, *Exhibit 22, pg. 1*. The City did not submit any comments on this topic.

### CONCLUSIONS

#### Jurisdiction:

1. The Hearing Examiner is granted jurisdiction to hear and decide applications for conditional use permits pursuant to *RCW 36.70B* and *WMC 17.07.020* and *WMC 17.07.030*.

#### 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

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(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 as part of project review for consistency with a local government's development regulations with consideration of the following: 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 Findings

- 1, The Applicant is a non-profit corporation that specializes in sport training and education activities. A Conditional Use Permit was requested from the City to operate a facility at 14304 NE 193<sup>rd</sup> Place, Building A, Woodinville, Washington. The 1.65 acre parcel, on which Building A is located, is zoned I by the City. A CUP is required for the sports training and education use to be located onsite. (WMC 21.08.040(A)). No exterior improvements are proposed for this project.
2. The following criteria of WMC 21.44.050 Conditional Use Permit are satisfied based on uncontradicted testimony and evidence:

Criterion 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.* Throughout the City there are vacant buildings on I zoned properties on which the City has allowed sports related uses to be placed subject to meeting the criteria for a CUP. *Finding of Fact No. 8.* The proposed use would be located in a similar building and would require no external improvements. It would be compatible with the character and appearance of the Industrial uses in the area.

Criterion 3: *The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property.* All activity will be conducted in the Building A space. The physical characteristics are appropriate for the use and no external alteration is proposed.

Criterion 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.* No modifications to standards are proposed.

Criterion 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.* Public utilities and services are available for the use. The increased use will not adversely affect public services to other uses and areas. No mitigation is required for the provision of public facilities and services. *Finding of Fact No. 6*

3. Based on the testimony and exhibits submitted, the following criteria of WMC 21.44.050 Conditional Use Permit were decisive for the decision on the CUP:

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Criterion 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*

Criterion 5: *The conditional use is not in conflict with the health and safety of the community.*

Criterion 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.*

4. Each of the criteria listed in Conclusion No. 3 is relevant to whether the Applicant's request for a conditional use permit can be issued. The common issue of each criterion involves the safety of the children using the facility. More specifically, the consideration is the safety of the children while they walk to and from the facility in the midst of the industrial use activity.
5. Included in the arguments of the Applicant is that other approvals of similar sport facilities in other I zoned properties have been approved within the City. However, this argument does not automatically warrant approval of the instant CUP because all requests are based on their own merits. Another unpersuasive argument of the Applicants is that prior to securing the CUP i-Ball expended significant amounts of money to improve the space. In doing so, the Applicant was acting at its own peril. Kirkwood's attorney has correctly cited the law of Washington that the CUP is not issued simply because money was expended before the permit was applied for or granted.
6. Even though some of the Applicant's arguments do not justify approval of the CUP, the Applicant's use in the proposed space can satisfy all of the CUP criteria, if imposed conditions of the permit are satisfied and maintained. Based on the testimony and evidence, the key issues in this matter involve the hours of operation on Monday through Friday between 3:30 pm to 5 pm, and the process of ingress and egress of the facility by the children during this time period. Kirkwood Industries' February 24, 2014 letter (*Exhibit 16, pg. 5*) includes a condition that implies that the hours of operations are the paramount issue. Although Kirkwood's representative suggested that the Applicant be restricted to operations beginning at 5:30 pm, a more reasonable and effective solution is the placement of conditions on the Applicant to control the process of drop-off and pick-up of children during the overlap hours.
7. Restrictions on the process of drop-off and pick-up of children during the overlap hours will control the ingress and egress of the facility in a manner that does not impact neighboring uses and provide safety to the children using the facility. With condition number 4, as set forth in the Decision section of this document, pedestrian and vehicular traffic associated with the basketball use will not be in conflict with existing and anticipated traffic in the neighborhood. The one caveat to the Applicant is that the condition must be strictly followed in order to protect the safety of the children and not conflict with the other uses.

### DECISION

Based on the preceding Findings of Fact and Conclusions and based on the testimony and evidence that is the administrative record a Conditional Use Permit to operate a sports facility in an Industrial zoned parcel at 14304 NE 193<sup>rd</sup> Place, Building A, Woodinville, Washington, is granted, subject to the following conditions.

1. The Conditional Use Permit is for operation of a sports club use in an existing 11,340 square foot tenant space at Building A of the Northwood Industrial Park North at 14304

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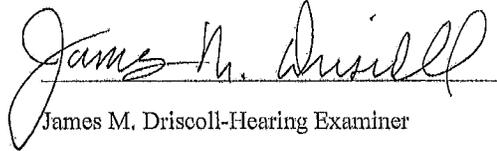
NE 193<sup>rd</sup> Place, Woodinville, Washington. The CUP is limited to this use and any expansion of the use necessitates a major modification of this conditional use permit.

2. All interior work on the structure shall be done subject to a building permit issued by the City. No occupancy or use shall be permitted until a final inspection and a certificate of occupancy has been issued by the City of Woodinville.
3. A safe student "drop-off/pick-up" area that does not interfere with local traffic shall be provided consistent with the design as depicted in the plans submitted by the Applicant at the Hearing.
4. On Monday through Friday no sport activities or classes shall occur at the facility until after 3:30 pm. On Monday through Friday, between 3:30 pm and 6 pm, all children attending the facility shall be *dropped off* at the drop-off/pick-up area, or, in the alternative, the children must be escorted to the entrance by a responsible person approved by the Applicant. In addition, on Monday through Friday *pick-up* of children before 6 pm shall require an approved responsible person to park and escort the child from the entrance of the facility to the parked vehicle. Requiring a pick-up escort will eliminate competition at the drop-off/pick-up area during this time period. During all other times of operations the Applicant shall set drop-off and pick-up procedures. Failure to adhere to this process shall result in review of the CUP.
5. All walkways in the Industrial Park's parking lot that service the Applicant's facility must be clearly marked.
6. In addition to condition number 4, the Applicant shall provide the City a copy of its safety policy for the well being of all children attending the facility. The safety policy should address, but not be limited to, the pedestrian safety of children and any other physical safety measures regarding the children.
7. On-site food preparation is prohibited.
8. Class sizes are limited by the occupancy that is approved and listed on the certificate of occupancy.
9. All fire code required exits shall be maintained at all times.
10. Retail sales onsite shall be limited to basketball related items. The retail sales area shall not exceed 500 square feet.
11. The shared parking agreement between buildings A, B, C and D of Northwood Industrial Park North that was submitted to support the conditional use must be approved by the City and recorded against the property's title prior to the issuance of a certificate of occupancy to the Applicant.
13. All conditions of approval are required to be satisfied and remain in place during the life of the CUP in order for the permit to remain valid. Any change in operations that violates any condition of approval shall require a major modification of the CUP. All details of the modification must be submitted by the Applicant, or its successor, to the City.

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13. *Prior* to any future projects not covered by the current permits, the Applicant shall consult with the City to determine what permits are required and whether the Applicant's proposal can be done pursuant to City Codes.

Dated this 12<sup>th</sup> day of March, 2014

  
James M. Driscoll-Hearing Examiner

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