

ORDINANCE NO. 130

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
RECLASSIFYING PROPERTY LOCATED AT 17935 AURORA AVENUE
NORTH FROM R-48 TO REGIONAL BUSINESS**

WHEREAS, the owners of certain property located at 17935 Aurora Avenue North have filed an application to reclassify the western portion of the property, which is comprised of approximately 41,824 square feet, from R-48 to Regional Business (RB); and

WHEREAS, on June 5, 1997, a public hearing on the reclassification application was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on June 5, 1997, the Planning Commission recommended approval of the reclassification application subject to specific conditions and entered findings of fact and a conclusion based thereon in support of that recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Planning Commission and has determined that the public use and interest will be served by approving the reclassification of said property from R-48 to Regional Business (RB); and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA) and the City's SEPA procedures;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Adoption of Findings of Fact and Conclusions and Recommendation. The City Council adopts the findings of fact and conclusions made and entered by the Planning Commission in support of the recommendation to the City Council to approve the reclassification application for the hereinafter described property, as set forth in the June 5, 1997 "Planning Commission Findings of Fact, Conclusions, and Recommendation to the City Council" on the Application for Zoning Reclassification, Project No. 1997-00528.

Section 2. Legal Description. The following described property is reclassified from R-48 to Regional Business (RB):

THE WESTERNMOST 252' OF THE NORTH HALF OF THE NORTH HALF
OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH,
RANGE 4 EAST, WEST MERIDIAN. RECORDS OF KING COUNTY,
WASHINGTON, BETWEEN HIGHWAY 99 AND COUNTY ROAD.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

Section 3. Effective Date and Publication. This ordinance shall take effect and be in full force five (5) days after passage and legal publication.

PASSED BY THE CITY COUNCIL ON JUNE 23, 1997.




Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce Disend
City Attorney

Date of Publication: June 26, 1997
Effective Date: July 1, 1997



**City of Shoreline
Development Services Group**

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**PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS,
AND RECOMMENDATION**

APPLICATION FOR ZONING RECLASSIFICATION

Project No. 1997-00528

Project: Rezone from R-48 (Multi-Family zone) to RB (Regional Business zone)
Project Address: 17935 Aurora Avenue North
Total Area: 83,318 Square Feet
Applicants: Corporation of the Presiding Bishop, L.D.S. Church
Current Zoning: Eastern Half of Property: RB (Regional Business)
Western Half of Property: R-48 (Multi-Family Residential)
Comprehensive Plan Designation: Activity Center
SEPA Threshold Determination: Determination of Non-Significance
Hearing Date: 7:30 P.M., Thursday, June 5, 1997, Shoreline Historical Museum

1. FINDINGS OF FACT

A. The Proposal

The proposed zoning reclassification is to redesignate the western half of the Deseret Industries property on Aurora Avenue from the most intensive multifamily residential zone, R-48 (Residential, 48 units per acre), to the most intensive business zoning designation, RB (Regional Business) (Attachment A). The proponent is seeking this reclassification in order to achieve consistency between the zoning designation of the property and its existing use (a thrift store and sheltered workshop). While no major redevelopment of the property is currently envisaged, the applicant does expect to apply for a building permit in the near future to construct a new canopy to shade the outdoor storage area on the south side of the building.

B. The Site

The site is located immediately adjacent to a principal arterial, Aurora Avenue North (State Route 99), and runs westwards for approximately 500' (five hundred feet) to Linden Avenue North (a local collector road). The lot is approximately 83,383 square feet in area and is occupied by a commercial structure measuring approximately 252' by 132', for a floor area of 30,258 square feet (Please refer to the Site Plan, Attachment B, for further information). This building also has a small second floor located in its south central area, the total size of this floor being 3,889 square feet. A total of 77 parking spaces serve the existing thrift store and workshop. Paved surfaces currently existing on

the property (parking and sidewalks) total 41,494 square feet, giving a total impervious surface area for the property of 71,572 square feet, or 86%. Maximum impervious surface coverage for the R-48 zone is 90%, with 90% coverage also being allowed in the RB zone.

The 14% of the property remaining as pervious surfaces is divided between landscaping planters located to the front (east) and south side of the subject property, and a combined planter/stormwater detention pond located at the back of the property in the southwestern corner. Two planters, a six feet tall fence and a low rock wall occupy the northwestern area of the lot, partially screening the loading area from the existing residence located immediately to the north. A similar fence separates most of the western boundary of the lot from Linden Avenue, while a 6' chain link fence and rock wall separate the western portion of the property from the church to the south.

While the front half of the Deseret Industries property is entirely devoted to the thrift store business, the rear portion of the property contains a loading and shipping area that supports both the thrift store and the sheltered workshops located in the back half of the building. The loading area consists of four truck loading bays and trailer storage. Truck traffic enters the property from Aurora Avenue and enters the loading area from the access drive located it's south side. Traffic may leave the loading area via the Linden Avenue North exit, but entrance is not allowed, with a number of signs clearly preventing vehicle access. Mass transit is accommodated by a bus stop located at the front of the property. The stop includes covered and uncovered passenger waiting areas and is readily accessible from the thrift shop.

C. The Neighborhood

Note: Please refer to the Area and Zoning Designation maps (Attachments C and D) for additional information on the location of the proposal and neighborhood zoning.

The neighborhood surrounding the Deseret Industries property is dominated by the presence of the Aurora Avenue (Highway 99) commercial strip. The subject property is located in an area characterized by moderate value commercial land uses, with the most notable commercial activities in the vicinity being the Fred Meyer shopping center to the north, the former site of Chuck Olsen Chevrolet to the south and Detroit Motor Works (used car sales) occupying a three blocks area on the east side of Aurora Avenue. The most notable non-commercial land use is the Ronald United Methodist Church that occupies the property immediately to the south of Deseret Industries. The Ice Arena occupies the front portion of the property immediately to the north and further north is a Veterinary Clinic and a currently vacant building. A single family residence is located immediately to the northwest of Deseret Industries and is the only such structure in the vicinity that lies between Aurora and Linden Avenues. Residential development is re-established on the west side of Linden Avenue and is substantially screened from the commercial development to the east by a combination of mature landscaping and the orientation of activity toward the Aurora Corridor.

Neighborhood zoning reflects the existing pattern of development, with Regional Business (RB) being the dominant designation along Aurora Avenue. The Linden Avenue corridor presents a different picture, however, with the majority of the properties to the east being designated R-48 Multi-Family Residential. The RB and R-48 split zoning designation is applied to both the Ronald Methodist Church and Deseret

Industries properties, and the R-48 designation continues until the intersection of 182nd and Linden Avenue. Once across 182nd, the eastern boundary of Linden Avenue is Zoned RB due to the designation being applied to the entire Fred Meyer Shopping Center property. The west side of Linden Avenue is zoned with a mix of multi-family designations in the area adjacent to the 175th intersection, but these are replaced with R-6 zoning to the north.

D. Application History

The application to redesignate the Deseret Industries property at 17935 Aurora Avenue North to the RB (Regional Business) zoning designation was first received by the Development Services Group on April 3, 1997. Following receipt of additional information, staff completed preliminary review of the application on April 28 and issued a SEPA threshold determination. Upon issuance of the threshold determination, DSG staff contacted the Planning Commission Secretary and scheduled the required Planning Commission Public Hearing and review for the evening of Thursday, June 5, 1997.

E. The Zone Redesignation Process

The review, notification and hearing process followed for this application was initially adopted by the City of Shoreline on June 24, 1996, in Ordinance No. 96 and clarified by Ordinance No. 126, adopted on April 28, 1997. This revised ordinance implements the land use and building permit review procedures and approval timelines required by the State of Washington through ESHB 1724 (Regulatory Reform).

Under the provisions of Ordinance No. 126, a reclassification (rezone) of property is categorized as a 'Type C' action. These applications require the Planning Commission to hold an open record public hearing and then forward a report and recommendation to the City Council for their final decision. In addition to illustrating the required review process, the process flowchart for 'Type C' actions (Flowchart 2, adopted as part of Ordinance No. 126), shows that the ordinance provides the City with specific time limits in which to complete each step of the review and decision making process (Attachment E).

F. Public Notification

For 'Type C' actions, Ordinance No. 126 requires the City to streamline the required public notices that provide information on the proposed zoning reclassification, the required public hearing, and the SEPA threshold determination. A single notice was prepared by DSG and mailed to all owners of real property located within 500 feet of the proposal on April 29, 1997 (Attachment F). In keeping with the requirements of Regulatory Reform, two public notice boards were posted at the site by the applicants agent, Mr. Merwyn Haneberg on April 30, 1997. A legal notice of the public hearing was also published in the Seattle Times on May 22, 1996.

G. Public Comment

The written comment period for the application ran from April 29, 1997, to May 15, 1997. Comment was received from William L. Olason D.D.S. in a letter received by DSG on May 5 (Attachment G). The concerns expressed by Dr. Olason are identified in Section 3 of this report.

2. SUMMARY AND ANALYSIS OF APPLICABLE STATUTES AND CODES

I. ZONING CODE, TITLE 18A, SHORELINE MUNICIPAL ORDINANCE #125.

A. The Regional Business Zone

Analysis of the proposal by DSG staff indicates that this particular retail land use falls under the specific land use description of Used Goods: Antiques/Secondhand Shops (S.I.C. #593) identified in the Retail/Wholesale Land Uses table of SMC 18A.08.070. Antiques/Secondhand Shops land uses are permitted uses only in the Regional Business and Community Business zoning designations. They are not assigned possible conditional or special use status in any other zone.

The applicant elected to seek redesignation of the western portion of the property to the Regional Business zone, rather than the Community Business zone, for the following reasons;

1. The eastern portion of the property is already zoned Regional Business and extending this designation across the whole property would eliminate the existing split zoning problem.
2. Designating the entire property Regional Business will require the property owner to comply with only one set of lot development standards (building height, impervious surface coverage and the like). Use of the Community Business zone would require any new development on the property to follow different standards on different portions of the lot.

B. Parking Standards

Section 18 of the Shoreline Zoning Code provides development standards that govern parking and traffic circulation. Subsection 18A.18.070A establishes a standard for provision of off-street parking spaces for Retail trade uses of 1 parking space per 300 square feet of net floor area (net floor area being defined as the floor area of the building less non-public areas). Of every 25 parking spaces provided under this standard, one is required to be dedicated for use by the aged and disabled. Net floor area of the existing Deseret Industries Building has been calculated at 29,812 square feet, indicating that a total of 97 parking spaces, 4 of these being disabled and aged person accessible, should be provided. Provision of the calculated number of parking spaces is not, however, an absolute requirement for approval of any new development proposal. Subsection 18A.18.030.B of the zoning code allows the DSG Director to reduce the required number of parking spaces for a proposed development when the applicant demonstrates that parking demand can be met with a reduced parking space requirement.

The site plan provided with the application (Attachment B) shows that a total of 64 parking spaces (4 of these being disabled and aged person accessible) are provided in the eastern portion of the property with an additional 13 spaces being provided at the rear of the property, for a total of 77 on-site parking spaces. The figure of 13 spaces at the rear of the property is, however, a maximum, as some of this area is usually occupied by stored truck trailers and use of some of the spaces may interfere with truck use of the loading area.

C. Loading Space Standards

Section 18 of the Shoreline Zoning Code also provides loading space standards for every building engaged in retail activities. Although it has a gross floor area of 34,147 square feet, and is not required by the Zoning Code to provide dedicated loading spaces, the Deseret Industries property has 2 spaces specifically identified for truck delivery, together with another 2 parking spaces serving its loading dock, located at the western end of the building.

II. COMPREHENSIVE PLAN, TITLE 20, SHORELINE MUNICIPAL ORDINANCE #21.

The underlying Comprehensive Plan designation for the property is 'Activity Center', the same designation as used for the entire Aurora Corridor area (Please refer to Attachment H for further information). Section VI.A.3 of the adopted 1994 King County Comprehensive Plan states that '... Activity Centers usually include retail shopping to serve the surrounding community or several communities.' This description strongly suggests that the proposed Regional Business zoning would be consistent with the Comprehensive Plan and that the size and function of the subject activity will also correspond with the plan.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 197-11, WASHINGTON ADMINISTRATIVE CODE.

The City of Shoreline issued a Determination of Non-Significance for this proposal on April 28, 1997 (Attachment I). As noted above, comment was received from Dr. William L. Olason D.D.S.

3. PUBLIC COMMENT

I. William L. Olason D.D.S.

In his comment letter received by the DSG on May 5, 1997, Dr. Olason expresses concern that the proposal should meet appropriate parking standards and that the rezone request should not be granted until this issue is addressed. Using a floor area for the building of 17,689 square feet, Dr. Olason calculates that Deseret Industries should provide a total of 88 parking spaces on their property. While both these figures differ from those presented earlier in this report, the DSG analysis does appear to support the contention made by Dr. Olason that when existing standards are applied to the proposal, there is a (20 space) shortage of parking on the subject property.

CONCLUSIONS

The City of Shoreline Development Services Group has reviewed all relevant state and local codes, notified all appropriate parties, and received one public comment. The Development Services Group has also determined that no significant adverse environmental impact to the neighborhood would occur from this proposal.

Because the applicant proposes redesignating a portion of a property that is currently occupied by a building that has an ongoing and viable use, and the property is part of a busy commercial area, the proposed zone change would not result in a land use that is out of character in the neighborhood.

The western portion of the subject property is currently zoned Residential 48 units per acre, the most intensive multifamily zone. Regional Business is the most intensive

business zone that allows the existing thrift store use. Differences in the potential intensity of use of the property between these zones is relatively slight, the R-48 designation allowing greater building height and smaller building setbacks than the RB zone which offers a greater potential for traffic generation.

The Site Plan submitted by the applicant shows that the existing thrift store does not comply with the parking standards present zoning code, having a shortfall of 20 spaces. Such a situation does not, however, prevent approval of a proposal. Subsection 18A.18.030.B of the zoning code allows the DSG Director to reduce the required number of parking spaces for a proposed development by up to 50% when the applicant demonstrates that parking demand can be met with a reduced parking space requirement. It should also be noted that in the course of reviewing the proposed rezone application and visiting other properties in the vicinity, DSG staff have not observed the existence of a parking problem on the subject property. The Director has also reviewed the proposal and finds the present situation to be acceptable. Any expansion of the Deseret Industries thrift store or workshops would, however, require DSG staff to re-evaluate this conclusion.

RECOMMENDATION

The Planning Commission recommends that the western half of the subject lot be reclassified from the Multifamily Residential, 48 units per acre (R-48) Zone, to the Regional Business (RB) Zone, subject to the following condition:

1. Any expansion of the existing uses (thrift store, workshop and related offices) or structures on the property may be allowed only after the property owner submits an additional evaluation of required parking spaces and methods for complying with the parking standards of the Zoning Code.

<p>The findings of fact, conclusions, and recommendations provided in this report may be adopted by the Planning Commission and forwarded to the City Council for review and decision.</p>
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