

# ORIGINAL

## ORDINANCE NO. 329

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A SPECIAL USE PERMIT FOR THE PURPOSE OF INTENSIFYING A NONCONFORMING GAMBLING USE BY ADDING SATELLITE OFF TRACK WAGERING AT 17001 AURORA AVENUE NORTH**

WHEREAS, certain property, located at 17001 Aurora Avenue North , is designated on the Zoning Map as Industrial and Residential 12 units/acre, and on the Comprehensive Plan Map as Community Business; and

WHEREAS, gambling as a use is permitted at 17001 Aurora Avenue North as a legal nonconforming use; and

WHEREAS, legal nonconforming gambling uses may be expanded or intensified subject to the approval of a Special Use Permit; and

WHEREAS, owners of certain property, located at 17001 Aurora Avenue North have filed an application for Special Use Permit for the purpose of intensifying the existing nonconforming gambling use by adding satellite off track wagering; and

WHEREAS, on June 5, 2003, a public hearing on the application for Special Use Permit was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on June 5, 2003, the Planning Commission recommended approval the special use permit and entered findings of fact and a conclusion based thereon in support of that recommendation; and

WHEREAS, upon consideration of the application and the Planning Commission recommendation, the City Council has determined that the special use permit application for the property located at 17001 Aurora Avenue North meets the Section 20.30.330 B Special Use Permit Criteria and Section 20.40.372 Supplemental Index Criteria for Gambling;

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

**Section 1. Findings.** The Findings and Conclusions on File No. 201218 as attached hereto as Exhibit 1, are hereby adopted.

**Section 2. Special Use Permit.** A Special Use Permit is hereby approved for the intensification of a nonconforming gambling use to add satellite off track wagering to 17001 Aurora Avenue North subject to the conditions attached in Exhibit 2.

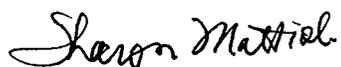
**Section 3. Severability.** If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

**Section 3. Effective Date.** This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

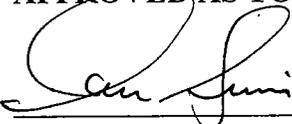
**PASSED BY THE CITY COUNCIL ON JUNE 23, 2003.**

  
\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: June 26, 2003  
Effective Date: July 1, 2003

## PLANNING COMMISSION FINDINGS AND DETERMINATION

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**Findings and Determination  
of the City of Shoreline Planning Commission**

Parker's Special Use Permit, File #201218

**Summary-**

Upon reviewing the application for the Special Use Permit to allow for off-track wagering at Parker's, staff recommends that the permit be approved subject to the conditions established in this report.

**I. FINDINGS OF FACT****1. Project Description-**

- 1.1 Action: Special Use Permit to allow for the intensification (addition) of satellite off track wagering
- 1.2 Vicinity: 17001 Aurora Ave N
- 1.3 Parcel Number: 0726049098
- 1.4 a.) The subject property has a land use designation "Community Business" as identified on the City of Shoreline's Comprehensive Plan Land Use Map.  
b.) Zoning for the subject property is split zoned Industrial and Residential 12 units/acre.

**2. Procedural History-**

- 2.1 Pre-Application meeting held: March 5, 2003
- 2.2 Neighborhood meeting date: March 24, 2003
- 2.3 Application Date: April 3, 2003
- 2.4 Complete Application Date: May 16, 2003
- 2.5 Public Notice of Complete Application and Public Hearing: May 19, 2003
- 2.6 End of Public Comment period: June 3, 2003
- 2.7 Planning Commission Public Hearing: June 5, 2003
- 2.8 City Council Public Meeting: Anticipated June 23, 2003

**3 Public Comment-**

- 3.1 Cindy Ryu of 15215 Aurora Avenue North provided testimony at the June 5, 2003 Planning Commission Public Hearing. She testified that on North 170<sup>th</sup> Street

she had witnessed conflicts between autos and pedestrians exiting and entering the parking lot at Parker's. In addition, she stated that persons parking in the lot just South of Parker's across N. 170<sup>th</sup> were crossing the street to enter Parker's and creating potential safety issues for themselves and persons traveling on N. 170<sup>th</sup> Street.

**4 SEPA Determination-**

- 4.1 A SEPA determination was not required for this Special Use Permit pursuant to WAC 197.11.800(3).

**5. Consistency-**

- 5.1 The application has been evaluated and found to be consistent with the nine criteria listed in Shoreline Municipal Code Section 20.30.330 (B) and the supplemental index criteria for gambling uses in Section 20.40.372.
- 5.2 This Special Use Permit does not constitute approval for any development proposal.

**II. Conclusions**

**1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.**

The use as conditioned will provide a public benefit to the neighborhood, district and City. Due to the anticipated increased traffic associated with the addition of satellite wagering, the Planning Commission recommends that the SUP be conditioned to require the applicant to bring the north side of N 170<sup>th</sup> Street between Aurora Ave N on the east and the western property line (adjacent to Shorewood High School) up to current standards for residential streets, which includes curb, gutter, sidewalks and amenity zone.

**2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.**

The subject property is located adjacent to Aurora Avenue North and is zoned Industrial. The Industrial and Regional Business zone permits the most intense land uses allowed in the City of Shoreline. The uses that surround project site include the following:

- Uses to the North:** Auto Dealership  
**Uses to the South:** Sugar's Adult Dancing Club  
**Uses to the East:** Shorewood High school  
**Uses to the West:** Mix of retail uses

Staff contacted Shorewood High School and asked if there were any concerns regarding the applicant's proposal to add off track betting as a use at neighboring Parker's. The High School's administration confirmed that there were no concerns regarding Parker's or the proposed intensification.

Based on the above list of uses and confirmation from the high school that there are no concerns, the characteristics of the current and proposed uses of a restaurant, bar with a card room and off track wagering are found to be compatible with surrounding uses.

**3. The special use will not materially endanger the health, safety and welfare of the community.**

The project as conditioned will address the issues raised concerning vehicular and pedestrian safety.

**4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.**

Although the proposed use of bar with a card room and off track wagering would be located essentially across the street from Debby's Drift On Inn Casino, this does not meet the definition of a detrimental over concentration of a particular use. If allowing the particular use would exceed the capacity of the city's infrastructure or public services such as police, fire, schools, then the use would be considered a detrimental overconcentration.

**5. The special 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.**

### Parking

Based on the parking calculations prepared by Driscoll Architects and submitted as part of the Special Use Permit application, a total of 210 parking spaces are required for the existing and proposed uses to meet the Shoreline Development Code. Parker's currently has 211 parking spaces. The provision of 210 parking spaces also meets the Supplemental index criteria for gambling (Section 20.40.372) related to parking. However, since Section 20.40.372 bases the number of parking spaces needed on the total number of seats available for viewing satellite off track betting, a condition has been added to limit the number of seats available. Should the owner need to increase the number of seats available for viewing of satellite off track betting the number of parking spaces would have to be increased in accordance with Section 20.40.372 i.e. for every three additional seats one parking space must be added.

### Traffic and Pedestrian Safety

The traffic study prepared by Transportation Solutions, Inc for the applicant indicated that expected increase would represent less than a 2% increase in traffic volume on Aurora Ave N and according to the traffic engineer that prepared the study, would not represent a noticeable increase in activity.

Shorewood High School is located directly east of Parker's Casino and can be accessed from North 170<sup>th</sup> Street. There is no sidewalk, curb, gutter, or amenity zone on either side of North 170<sup>th</sup> Street. There are four undefined access drives to Parker's from N. 170<sup>th</sup> Street. Staff is concerned that the lack of pedestrian amenities in combination with the uncontrolled access to the Parker's parking lot could jeopardize the safety of pedestrians on North 170<sup>th</sup> Street. There is concern especially for nearby high school students walking, riding bikes or parking on North 170<sup>th</sup> in order attend to school or special events including outdoor sporting activities.

## PLANNING COMMISSION FINDINGS & DETERMINATION

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170<sup>th</sup> Street is classified in Shoreline's Comprehensive Plan as residential. The Development Code states that the standards for residential streets are:

- 6 foot concrete sidewalks;
- 4 foot amenity zones;
- curb and gutter; and
- half street improvements.

Due to the anticipated increase in traffic associated with the addition of satellite off track wagering, the Planning Commission recommends that the SUP be conditioned to require the applicant to bring the north side of North 170<sup>th</sup> Street from Aurora Avenue North to the east property line up to current standards for residential streets. In addition, staff suggests the SUP be conditioned to require the consolidation of the access drives on North 170<sup>th</sup> Street to no more than two driveways to reduce the number of conflicts between autos and pedestrians.

**6. The special 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.**

Since the project proposal does not include the expansion of the building – sewer and water certificates were not required. The Shoreline Fire Department reviewed this application and confirmed that there is adequate water flow and fire protection to serve this site. Staff contacted the Shoreline Police Department and confirmed that City has adequate resources to serve the site with the addition of off track betting.

**7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.**

Not applicable: No construction is proposed as part of the application.

**8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purpose of this title.**

The Comprehensive Plan does not have any policies that specifically relate to gambling. The proposed project as conditioned does support such Comprehensive Plan policies as:

- LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.
- LU39: Ensure vital and attractive commercial areas through public/private investments including: pedestrian amenities and street aesthetics, such as trees, benches, etc.; adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes; public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares; appropriate signage excluding billboards; transportation demand management programs such as carpooling and bus usage; and gateway treatments and public art.

**9. The special use is not in conflict with the standards of the critical areas overlay.**

Based on the information supplied by the property owner and the critical area maps available at the City of Shoreline, the proposed project does not appear to be located in any known critical area.

**III. Recommendation**

The Planning Commission recommends that the Special Use Permit be approved subject to the conditions based on the findings of fact and conclusions contained in this report.

**City of Shoreline Planning Commission**

Brian F. O'Connell

Chairperson

Date:

6/19/03

**CONDITIONS OF SPECIAL USE PERMIT 201218**

The Special Use Permit allowing for the intensification of the nonconforming gambling use to add satellite off track wagering at 17001 Aurora Avenue North, in addition to the standards of the Development Code, is subject to the conditions recited herein as follows:

- 1) Construct frontage improvements adjacent to the site in accordance with the standards set forth in Title 20 of the Shoreline Development Code and Engineering and Development Guide on the North side of North 170<sup>th</sup> Street between Aurora Avenue North on the east and the shared property line with Shorewood High School on the west. These frontage improvements shall include the construction of:
  - 6 foot concrete sidewalks;
  - 4 foot amenity zones;
  - curb and gutter; and
  - half street improvements.

Improvements must be constructed or fully bonded for construction, by the start of the 2004 State of Washington Horse Racing season in April. If these improvements are not completed or bonded by the start of the 2004 State of Washington Horse Racing season, the Special Use Permit will be deemed null and void. Please see Exhibit 2A for a generalized map that identifies the vicinity of the frontage improvements.

- 2) Consolidate the four (4) existing access points to the subject site on North 170<sup>th</sup> to a maximum of two (2) commercial driveways that meet the standards set forth in Title 20 of the Shoreline Development Code and the Engineering and Development Guide.

Improvements must be constructed or fully bonded for construction, by the start of the 2004 State of Washington Horse Racing season in April. If these improvements are not completed or bonded by the start of the 2004 State of Washington Horse Racing season, the Special Use Permit will be deemed null and void.

- 3) Based on current available parking, Parker's Casino is approved for 48 seats of satellite off track betting. The existing and proposed uses at this site require a total of 210 parking spaces. If additional seating is added in the area of the casino where patrons can view satellite off track betting the number of required parking spaces shall increase at a ratio of one parking space for every three seats available to view satellite off track betting. Additional parking may be allowed with the approval of the Planning and Development Services Director on site, through a shared parking agreement or in an off site lot. If the required number of parking spaces are not maintained, Parker's will be in violation of the Development Code and subject to Code Enforcement action.