

ORIGINAL

ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE CONTINUATION OF A SPECIAL USE PERMIT FOR THE PURPOSE OF INTENSIFYING A NONCONFORMING GAMBLING USE BY ADDING SATELLITE OFF TRACK WAGERING AT 16708 AURORA AVENUE NORTH; AND AMENDING ORDINANCE NO. 347.

WHEREAS, certain property, located at 16708 Aurora Avenue North, is designated on the Zoning Map as Regional Business, and on the Comprehensive Plan Map as Community Business; and

WHEREAS, gambling as a use is permitted at 16708 Aurora Avenue North as a legally-nonconforming use; and

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

WHEREAS, on March 22, 2004 the City Council passed Ordinance No. 347 subject to the conditions attached; and

WHEREAS, conditions 1 through 5 of Ordinance No. 347 as required have been met; and

WHEREAS, condition 6 of Ordinance No. 347 has been addressed; and

WHEREAS, it is proposed to amend Ordinance No. 347 to continue the approval of the Special Use Permit with removal of condition 6 but subject to two additional conditions; and

WHEREAS, upon consideration of the application and the Planning Commission recommendation, the City Council has determined that continuation of the Special Use Permit for the property located at 16708 Aurora Avenue North is approved;

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

Section 1. Findings. The Findings and Conclusions of the Shoreline Planning Commission as attached hereto as Exhibit 1 are hereby adopted.

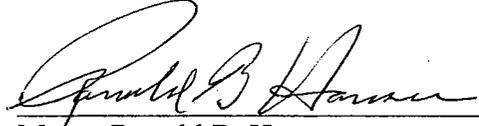
Section 2. Amendment. Ordinance No. 347, Section 2, Exhibit 2, Conditions- Drift on Inn Casino SUP #201280, setting conditions for the Special Use Permit approved for the intensification of a nonconforming gambling use to add satellite off track wagering at 16708 Aurora Avenue North is amended to read as set forth in Exhibit 2 attached hereto and incorporated herein.

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.

ORIGINAL

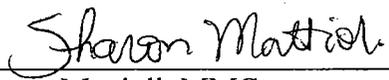
Section 4. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON MARCH 28, 2005.



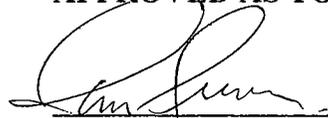
Mayor Ronald B. Hansen

ATTEST:



Sharon Mattioli, MMC
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: March 31, 2005
Effective Date: April 5, 2005

PLANNING COMMISSION FINDINGS AND DETERMINATION

Findings and Determination of the City of Shoreline Planning Commission

Drift on Inn Casino's Special Use Permit , File #201280

Summary-

Upon revisiting the application for the Special Use Permit to allow for off-track wagering at the Drift on Inn Casino, the City of Shoreline Planning Commission did find and determine that the application was in compliance with City codes and not detrimental to the health safety and welfare of the City of Shoreline, and therefore recommended:

APPROVAL OF THE CONTINUATION OF THE SPECIAL USE PERMIT APPLICATION AS RECOMMENDED BY STAFF AND CONDITIONED BY THE PLANNING COMMISSION.

I. FINDINGS OF FACT

1. **Project Description-**

- 1.1 Action: Continuation of the Special Use Permit to allow for the intensification (addition) of satellite off track wagering
- 1.2 Vicinity: 16708 Aurora Ave North
- 1.3 Parcel Number: 072604-9081
- 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 Regional Business.

2. **Procedural History-**

- 2.1 Pre-Application meeting held: December 22, 2003
- 2.2 Neighborhood meeting date: January 5, 2004
- 2.3 Application Date: January 16, 2004
- 2.4 Complete Application Date: January 23, 2004
- 2.5 Public Notice of Complete Application and Public Hearing: January 28, 2004
- 2.6 End of Public Comment period: February 11, 2004
- 2.7 Planning Commission Public Hearing: February 19 and 26, 2004
- 2.8 City Council Public Meeting: March 22, 2004
- 2.9 Ordinance #347 was passed approving the Special Use Permit for Off Track Wagering for one season of operation with a condition to revisit the permit in 1 year: March 22, 2004

PLANNING COMMISSION FINDINGS & DETERMINATION

- 2.10 Planning Commission motion to approve the Continuation of the Special Use Permit for Off Track Wagering based on the Planning Commission findings: February 3, 2005.

II. Conclusions

By intensifying the nonconforming gambling use at the Drift on Inn Casino, the supplemental facility use has caused a spike in major event related east and west bound cut through traffic on N 167th St. Because this spike can only be directly related to major racing events (such as the Kentucky Derby, the Belmont Stakes, and Preakness), it can be concluded that these events cause impacts on the adjacent neighborhood that shares N 167th St. with the Drift On Inn Casino.

III. Recommendation

The Planning Commission recommends continuing to allow the off track betting Special Use Permit subject to the following conditions:

1. Prior to the commencement of each season, the Drift On Inn Casino shall apply for and receive a City approved Right of Way use permit for special event traffic control during the identified three major race days throughout each season (Triple crown Races: Belmont Stakes, Kentucky Derby, Preakness). At a minimum, the traffic control plan will include limiting access to N 167th St. from Aurora Ave N and the Casino's south driveway through the placement of a "Local Traffic Only" barricade and a certified flagger. Traffic exiting the Casino shall be directed to the west to Aurora Ave N, ensuring compliance with the right turn only signage. The Right of Way use permit shall be renewed annually, and shall be subject to City Right of Way engineering review and any other requirements imposed by the City's traffic engineer.
2. The Drift On Inn Casino shall enhance the "Right Turn Only" signage located at the site's south driveway by painting a right turn arrow in the south driveway's southbound travel lane.

City of Shoreline Planning Commission

Chairperson: David Harris

Date: _____

Ordinance No. 374 Conditions: Drift on Inn Casino SUP #201280

1. The onsite trash collection enclosure shall be brought into compliance with SMC 20.50.150. This requires the receptacle to be fully enclosed and hidden from public view. The method of enclosure shall be construction of wooden enclosure on three sides with self-closing doors on the fourth side. The height of the enclosure shall be six feet. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
2. The parking lot lighting for the Drift on Inn Casino shall be brought in to compliance with SMC 20.50.260. The parking lot lighting shall be shielded to protect adjacent properties from glare. The applicant shall provide the City with a parking lot lighting plan within 30 days of approval of the Special Use Permit. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
3. An easement shall be recorded against the title of Club Hollywood Casino, parcel number #072604-9086 for access and use of the on site storm drainage bypass system by adjacent properties that was installed as part of Club Hollywood's construction.
4. The property owner shall record an agreement for shared parking encompassing all of the required parking for the Drift on Inn Casino that is located on other parcels of land within 30 days of approval of this application. The total number of spaces required to bring the Drift on Inn Casino to compliance is 56. The agreement shall include the duration of the parking agreement, terms for renewal, terms for revocation, number of shared parking spaces, hours of operation for each use sharing the parking spaces, and other limitations. This document shall be recorded and a copy shall be provided to the City prior to permit issuance. In the event that a shared parking agreement is terminated during the time this use is in existence, the property owner shall have 45 days from approval of this application to locate and secure parking to replace those spaces that are required as part of this permit. If the property owner is unable to comply with this condition, it shall be deemed a code enforcement issue subject to the City's development code enforcement provisions in affect at the time of the violation.

5. Signage shall be installed at the following locations along 167th Street North:
- "No Parking" signs on the North side of 167th Street from the western boundary of the Seattle City Light Right of Way and Aurora Avenue North.
 - No Parking" signs on the South side of 167th Street between Aurora Avenue North and 30 feet east on 167th Street North.
 - "No Parking" signs on the South side of 167th Street North from the eastern most boundary of the Seattle City Light Right of Way to Stone Avenue North

The signs shall read "No Parking Any Time" and shall be installed prior to April 15, 2004 per the City's engineering standards.

~~The approval of this SUP permit is granted for the 2004 horse racing season, March 27, 2004 - October 1, 2004 based on the outcome of a parking and traffic study to be funded by the applicant. A deposit of \$2,500 shall be required to be submitted in the form of a financial guarantee on or before April 15, 2004. If the actual cost of the study exceeds \$2,500, the applicant shall pay the balance. This study shall investigate the impacts of off track wagering on both the casino parking lot and 167th Street North. The traffic study shall be conducted on a Thursday, Friday, and Saturday as well as an additional Saturday on the weekend of the Kentucky Derby, Breeder's Cup, or Preakness. After the end of the 2004 horse racing season, the City of Shoreline Planning Department shall bring a recommendation to either continue to allow or not allow off track wagering before the Planning Commission for reconsideration, with final approval by the City Council.~~

6. Prior to the commencement of each season, the Drift On Inn Casino shall apply for and receive a City approved Right of Way Use Permit for special event traffic control during the race days of the Belmont Stakes, Kentucky Derby, and Preakness. At a minimum, the traffic control plan will include limiting access to N 167th St. from Aurora Ave N and the Casino's south driveway through the placement of a "Local Traffic Only" barricade and a certified flagger two hours before and after the race event. Traffic exiting the Casino shall be directed to the west, ensuring compliance with the right turn only signage. The Right of Way Use Permit shall be conditioned upon need of additional traffic control at other locations and any other requirements recommended by the City Traffic Engineer.

7. The Drift On Inn Casino shall enhance the "Right Turn Only" signage located at the site's south driveway by painting a right turn arrow in the south driveway's southbound travel lane.