

ORDINANCE NO. 8377

AN ORDINANCE sustaining the appeal of Al Banks, reversing the zoning and subdivision examiner's recommendation to deny reclassification, and reclassifying certain property upon the application of AL BANKS, Building and Land Development Division application File No. 110-87-R.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Regarding the application of Al Banks, building and land development division file no. 110-87-R, the council does hereby find the following:

A. The subject property is located between an auto wrecking yard (a legally established non-conforming use), a pipeline company, and a well drilling company. It is across the street from a school and planned fire station. This request would expand an existing abutting MP (manufacturing park) classified property.

B. The subject property and adjacent properties have been historically industrial. The adjacent auto wrecking yard has existed 50 years. The pipeline company has existed for over 20 years. A saw mill existed on this site until 1977. The requested reclassification thus continues the traditional and normal industrial use of the subject property and abutting properties.

C. The existing SC classification, which is intended to maintain high residential standards in environmentally sensitive areas, is wholly inconsistent with the circumstances of this property. To require residential development of this property, sandwiched between an auto wrecking yard and MP classified properties, would create an incompatibility of uses.

D. The requested MP classification is consistent with the comprehensive plan designation of "urban" for this area.

1 E. This property was not specifically reviewed during the East Sammamish
2 Community/Plan Area zoning and may have been inadvertantly overlooked. The
3 requested reclassification will correct that probable error.

4 F. The construction of the Alcott elementary school and the planned
5 development of the nearby fire station are circumstances which materially
6 affect the subject property and were not anticipated at the time of East
7 Sammamish Community Plan/Area Zoning adoption.

8 G. Uses which may be permitted on the property pursuant to a conditional
9 use permit or unclassified use permit are not reasonable or likely,
10 considering the proximity of the subject property to an auto wrecking yard and
11 to MP classified properties.

12 H. .Approval of the subject action as recommended below, would not
13 constitute a major action significantly affecting the quality of the
14 environment. All evidence of environmental impact relating to the proposed
15 action and reasonable alternatives to the proposed action have been included
16 in the review and consideration of the subject action.

17 SECTION 2. From the foregoing findings, the council concludes:

18 A. The requested classification would not constitute a spot rezone.

19 B. If approved subject to the conditions recommended below, the proposed
20 reclassification will comply with the goals and objectives of the king county
21 comprehensive plan, other official policies and objectives for the growth of
22 king county, and will not be unreasonably incompatible with or detrimental to
23 affected properties and the general public. The reclassification will not be
24 unreasonably incompatible with nor detrimental to surrounding properties
25 and/or the general public, particularly as limited by the conditions set forth
26 in attachment A to this ordinance.

27 C. The examiner erred in concluding that unanticipated changes in
28 circumstances were insufficiently material to warrant reclassification.

29 D. The examiner erred in concluding that the property may be expected to
30 be reasonably developed pursuant to conditional use permit or unclassified use
31 permit without reclassification.
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1 SECTION 3. The council of King County does hereby reverse the
 2 recommendation of the zoning and subdivision examiner in his report of June
 3 19, 1987, filed with the clerk of the council on July 9, 1987, sustains the
 4 appeal of Al Banks and reclassifies the subject property, as described in
 5 building and land development file no. 110-87-R, from SC (suburban cluster) to
 6 MP-P (manufacturing park-site plan approval required) subject to conditions
 7 set forth and incorporated in Attachment A.

8 INTRODUCED AND READ for the first time this 13th day
 9 of April, 1987.

10 PASSED this 4th day of January, 1988.

11 KING COUNTY COUNCIL
 12 KING COUNTY, WASHINGTON

13 Gary Grant
 14 Chair

15 ATTEST:

16 Dorothy M. Owens
 17 Clerk of the Council

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Al Banks - BALD File No. 110-87-R

CONDITIONS OF REZONE APPEAL:

1. Grant MP-P, in lieu of MP, subject to conditions 2 through 11 below. These conditions will be implemented through site plan approval. At the time a site plan is submitted to BALD for approval, written notice of such submittal shall be provided to all residential property owners within a 500 foot radius of the property.

2. Convenience retail stores, gas stations, auto body shops and diesel truck repair shops are prohibited uses on the property.

3. The use of equipment such as air chisels, body grinders, metal cutting, pounding or sanding tools is prohibited. Air compressor equipment, air wrenches and other noise generating tools necessary for auto repair work shall be permitted only within the enclosed auto service building. Outdoor loudspeakers are prohibited.

4. Hours of operation are limited to 7:00 a.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 10:00 p.m. on weekends. Pursuant to the standards in the King County noise ordinance, noise generated within the property shall be limited to 55 dba measured on the receiving (S.C. zone) property during these daytime hours.

5. An eight (8) foot noise barrier fence will be constructed on the southern and western property boundaries. The fence will be set back at least seven (7) feet from the property line to allow for landscaping. The barrier fence will not have any gaps or openings, including along the ground, and will weigh at least three (3) pounds per square foot of vertical area. This fence may be a tongue and groove, board and batton fence at least one (1) inch in thickness or a barrier wall.

6. The auto service center building shall be designed, to the maximum extent practical, to screen noise generating activities from the properties to the west and south. The design should include an orientation of all bay doors to the east and north and should limit doors and windows on the southern and western walls.

7. Install Type I landscaping, pursuant to KCC 21.51 along any perimeter boundary abutting residentially classified property which is undeveloped or residentially developed. Automatic sprinklers will be provided for perimeter landscaping. Bonding for Type I landscaping shall continue in effect for not less than three (3) years, the minimum period necessary to assure compliance with KCC 21.51 planting density requirements. All landscaping will be performance bonded in an amount necessary to assure replacement.

8. Install Type II landscaping, pursuant to KCC 21.51 along the property frontage. Automatic sprinklers will be provided for this landscaping. Bonding for Type II landscaping shall continue in effect for not less than three (3) years, the minimum period necessary to assure compliance with KCC 21.51 planting density requirements. All landscaping will be performance bonded in an amount necessary to assure replacement. Landscaping plans for this area will be approved by the Washington State Department of Transportation.

9. Outdoor storage of hazardous materials, toxic substances or any other liquid or solid material which could cause contamination of ground water or cause odors which would be unreasonably offensive beyond the property boundary is prohibited. Storage of any material or equipment which would be visible from adjoining residential properties is prohibited. Use of any outdoor storage area for auto salvage or wrecking is prohibited.

10. Obtain Washington State Department of Transportation access approval, with dedication and improvement of any necessary right-of-way.

11. Obtain all legally required and necessary county approvals prior to building permit issuance, such as, but not limited to, surface water management, fire code, parking code, and so on.