

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

SEATTLE REFRIGERATION

FILE NO. CC-83-15

C.F. NO. 292888

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code (Ordinance
86300, as amended)

Introduction

Petitioner, Seattle Refrigeration, requests a reclassification of property at 1057 South Director Street from SF 5000 to General Industrial.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the petition be denied.

This matter was heard before the Hearing Examiner on November 7, 1984.

After due consideration of the evidence elicited by the Petitioner, the information provided by the Director's report, all evidence elicited during the public hearing, and the testimony from witnesses at the hearing on appeal number W-84-001 the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject of the rezone petition is a 75 ft. deep, 197.25 ft. long, strip of property located 65 ft. south of South Director. The legal description of the subject property is:

South 50 ft. of the North 140 ft. of Lot #49, South 50 ft. of the North 140 ft. of East 1/4 of Lot #45, Excelcior Acre Tracts No. 2, as recorded in Volume 9 of Plats, page 48, records of King County, Washington; lying northeasterly of Primary State Highway No. 1, conveyed to the State of Washington by deed No. 4834864.

2. The subject property is at the southern boundary of an SF 5000 zone in South Park. The property abutting its southern perimeter is zoned General Industrial (IG).

3. Seattle Refrigeration's operation is sited on the IG zoned property adjoining the subject property. A 25 ft. width of the subject property, utilized under the zone boundary extension provision of Title 24, is within the fenced-in site. That part of the subject property, outside the fence, is used for accessory customer and employee parking contrary to Land Use Code restrictions. The rezone is requested by petitioner to make the accessory parking a legal use of the property.

4. Petitioner agrees to limiting the use of the property to parking.

5. The area has been zoned for single family development since the initial zoning code in 1923. When the 1957 zoning ordinance was adopted the 140 ft. deep frontage property was zoned RS 5000 and the southern property was zoned IG.

6. The surrounding development consists of single family to the north, across South Director Street, and to the west between Seattle Refrigeration property and West Marginal Way South, and of industrial in King County to the east. The Seattle Refrigeration property is bordered on the south by the West Marginal Way South right-of-way.

7. The proposed South Park Neighborhood Plan recommends retaining the existing IG and SF 5000 zoning designations and boundaries and improving the screening and landscaping separation along the boundary.

8. The subject SF 5000 zoned property is large enough to be divided into five lots with street frontage. If the 75 ft. width was rezoned, the remaining 65 ft. could be divided into two single family lots but the shallowness of the lots is not desirable either from a design standpoint or because of the closeness of any development to the industrial zone.

9. The land use specialist reports, and neighbors recall, that Seattle Refrigeration represented in a 1979 case that there would be no development within 115 ft. of South Director Street. There is a difference between the neighbors' and Seattle Refrigeration's interpretation of "development". Seattle Refrigeration does not consider a parking lot to be development. The neighbors do.

10. The plans submitted in 1979 provided for 20 off-street parking spaces. Parking occurs on-site but there is no area specifically set aside for 20 parking spaces. Petitioner's representative testified that there is no available space within the IG zoned area to accommodate the parking that occurs on the subject site. Most would have to park on the street.

11. Of the 30 ft. wide right-of-way for South Director Street, only approximately 10 ft. is hard surfaced. Parking on this street could obstruct traffic movement.

12. South Director Street is too narrow to handle the truck traffic generated by Seattle Refrigeration and other industry. Trucks must use other streets, also inadequate, and have difficulty negotiating turns from one street to another.

13. Seattle Refrigeration has grown from the 24-27 employees in 1979 to 60-80 now.

14. A row of evergreens has been planted at the approximate location of the proposed zone boundary. They are still quite small and far apart.

15. A declaration of non-significance pursuant to Chapter 25.04 and SEPA was issued by the Department of Construction and Land Use subject to certain conditions. Without restriction on the use of the property, a number of potential impacts were foreseen. With the use restricted to parking the impacts, except for aesthetic, are considered minor.

Conclusions

1. The subject property may be rezoned from single family only if the area does not meet the criteria for single family designation, according to Section 23.34.24A. The area, that south of South Director, does not meet those criteria in that the block does not have 70% of the structures in single family residential use; there is currently no adopted neighborhood plan; and no trend toward increasing single family use was shown. The general rezone criteria then should be considered.

2. The criteria in Section 23.34.28 which may be utilized in the analysis of this petition are: B. Zoning history and precedential effect; C. Zoning principles; and D. Impact evaluation.

3. Historically, the existing boundary between IG and single family has been observed. Advancing that boundary toward Director could be viewed as precedent for other changes in the southerly single family zone boundary. Adoption of a neighborhood plan should serve, however, as notice of the intent of the City Council for the future and reduce reliance on precedent pre-dating that adoption.

4. As to zoning principles, the analysis of the Department of Construction and Land Use shows that zoning in South Park does not conform to the ideal of avoidance of incompatibility through clustering of uses. At this location, however, the facing sides of Director Street are zoned the same and would still be if the rezone was approved. With the limitation on uses proposed by petitioner, principal industrial uses could not come closer to single family uses so the degree of compatibility, or incompatibility, would remain unchanged. The area which would remain SF 5000 zoned on the south side of the street would not appear to be likely to be developed for single family use because of its configuration. However, the area currently zoned SF 5000 appears also unlikely to be developed for single family use because of its proximity to the industrial use.

5. With the use restricted to parking, the only probable negative impact would be visual or aesthetic. Additional conditions should be imposed to improve the view of the site. Since the parking space is currently needed the rezone to allow the establishment of a parking lot would not occasion an increase in vehicular traffic. There is some possibility, however, that the IG zoned area of petitioner's site could be used more efficiently to accommodate more parking if the business grows so there is potential for some increase in traffic.

6. Adopted neighborhood plans are to be considered, according to Section 23.34.28E. The South Park Neighborhood Plan has addressed this site but has not been adopted and, therefore, cannot be considered at this point. Since the City Council may have acted on the plan before entertaining this petition it may be a subject for consideration at that time.


7. The site is open to reclassification since it does not meet the criteria for single family. As there would be no negative impact from the use proposed under the requested zoning that could not be eliminated and since the conflict between residential and industrial uses would not be increased, the public welfare would be served by rezoning the site, subject to certain limitations and conditions, to provide for adequate parking for an existing business.

Recommendation

The petition to rezone the subject property to IG with use limited to accessory parking of passenger vehicles should be granted subject to the following condition:

A landscape plan for the north and west boundaries of the subject property be submitted to the Department of Construction and Land Use for approval and the approved plan be implemented prior to establishment of parking use. The landscape plan is to include screening and vegetation.

Entered this 21st day of November, 1984.


M. Margaret Lockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 23.34.14, Seattle Municipal Code, as amended, any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its descretion, the Council may allow oral or written arguments based on the record when it considers the petition.