

FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

W.K.R., INC.

FILE NO. CC-84-017  
C.F. NO. 293518

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

Introduction

Petitioner, W.K.R., Inc., requests the reclassification of property located at 10020 Martin Luther King, Jr. Way South from SF 7200 to General Industrial (IG) zoning.

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 granted with conditions.

This matter was heard before the Hearing Examiner on December 28, 1984. The record was reopened to January 15, 1985, for comments on the greenbelt designation.

After due consideration of the evidence presented by the Petitioner, the information provided by the Director's report and all evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject of the rezone petition consists of a strip of SF 7200 zoned property approximately 82 ft. by 467 ft. (approximately .83 acres) that is designated Greenbelt and environmentally sensitive. It is located at the lower portion of the hill, approximately 350 ft. east of Martin Luther King, Jr. Way South in Seattle.

2. The subject area is vacant and is covered with trees and unmaintained vegetation. To the west is a portion of the same platted lot. It is zoned IG and was formerly developed with a junkyard. The IG zoned portion of the subject site has been recently graded and remnants of the former junkyard are piled in areas on the site.

3. Petitioner intends to develop the subject site with a mini-storage warehouse.

4. Surrounding development consists of a mini-storage/warehouse development to the south similar to what is proposed on the subject site. To the north and west along Martin Luther King Jr. Way South is vacant, IG zoned property. To the east are the Greenbelt designated SF 7200 East Duwamish Greenbelt and single family properties.

5. Petitioner proposes a reduction in the greenbelt from 70 percent of the rezone area as proposed by DCLU to 50 percent.

6. A declaration of non-significance pursuant to Chapter 25.05, Seattle Municipal Code, and SEPA was issued by the Director for the rezone. The environmental checklist shows an increase of potential overcovering of soil, and that an increase in the amount of surface water run-off may occur but will be taken care of by existing upgraded facilities. A reduction of the greenbelt preserve area would occur from 70 percent to 50 percent. Potential future industrial development of the rezone area may result in increased noise level and light or glare. Traffic and parking may be increased; and additional use of public services and utilities may result from the proposed rezone.

7. The Director recommends that the rezone be granted subject to two conditions:

1. The existing requirement of 70 percent greenbelt preserve should be maintained and be provided in a strip along the east lot line to buffer the single family properties to the east.
2. Potential development attributable from the rezone area shall not exceed three stories of structure, and the height of any structure within the rezone area shall not exceed 30 ft. in height.

8. Petitioner agrees with Condition number 2 but disagrees with Condition number 1 in that petitioner proposes a 50 percent greenbelt preserve rather than the 70 percent.

9. The Director alleges that potential soil problems could occur if the petitioner is allowed to cut into the slope on the proposed rezone property. The greenbelt acts as a buffer for residential homes and the surrounding environment.

10. Petitioner has present use of less than 30 percent of the proposed rezone area for installation of approximately 180 mini-storage units. No proposal for greater use of the property exists; however, petitioner desires reduction of the 70 percent greenbelt preservation condition to 50 percent in order to have the capability for future greater use of the property.

11. The SF zoned portion of the subject site has no street access and its abutting uses are more appropriate for general industrial uses.

12. The Director reports that the existing single family zoning was established as a safeguard for the adjoining wooded hillside area which acts as a buffer to the residential properties to the east.

13. The surrounding IG zoned and developed property consists of structures less than 30 ft. in height.

#### Conclusions

1. Because the property is zoned single family it may be rezoned to another classification only if it does not meet the criteria for single family designation. Section 23.34.24(A).

2. The property does not meet any of the criteria of Section 23.34.32 for single family zones in that the existing subject structures are not in single family use; the property is not designated in an adopted neighborhood plan for single family use; there is no trend toward single family use of the property; and the subject site is not part of a "block" (i.e., it does not face sides of a street). Therefore, the site may be considered for other classification.

3. The general rezone criteria are found in Section 23.34.28. No adopted neighborhood plans or recommendations which apply to the area proposed for a rezone exist, and the petitioner is not offering changed circumstances as justification for the rezone. Therefore, the relevant factors under this section are A, B, C, D, G, and H.

4. Section 23.34.28(A) requires consideration of locational criteria and area characteristics. Rezoning the subject site from SF 7200 to IG would be compatible with the IG zoned properties located to the north and west. No specific locational criteria exist for the IG zone.

5. Section 23.34.28(B) requires consideration of the zoning history of the area and precedential effect. Although the record is silent pertaining to the zoning history, the subject site had been used as an auto wrecking yard. The proposal may set a precedent for future rezones on the sites to the north and south which would incrementally move the IG zone boundary eastward.

6. Section 23.34.28(C) provides for consideration of zoning principles. The zoning principle identified by the Director as relevant is that approval of the proposal would not constitute spot-zoning since the land would be adjacent to and an extension of the IG zoned area to the west. The existing zoning situation has abutting IG and SF zoning. A Greenbelt designation exists in order to protect the environmentally sensitive hillside area. The proposed rezone would result in a somewhat irregular zone boundary line from the line that continues to the north and south.

7. Section 23.34.28(D) requires an impact evaluation. The projected negative impact on transportation; parking; public service; noise, air and water quality; or surface water run-off are minimum and will not have a negative affect on the east properties. A soils report would be necessary to insure that future development maintains soils stability in order to protect surrounding properties.

8. Section 23.34.28(G) and (H) provide for consideration of any Greenbelt Plan and overlay district. The existing zoning situation has abutting IG and SF zoning. The SF zoned portion of the subject site is unlikely to be developed with single family residences because of the platting configuration, access problems and nonresidential character of abutting uses. As the present zone boundary exists, the zone serves to support and serve as a back-up measure to the underlying greenbelt designation by restricting development in the environmentally sensitive hillside area. The existing single family zoning was established as a safeguard which would limit the height and lot coverage of development in that area to a level that would not disrupt or adversely affect the sensitive wooded hillside. The Greenbelt designation that would remain would serve to protect the hillside. The SF zoned portion of the subject site acts as a buffer to the residential properties to the east. The single family residences that exist to the east are topographically separated from the rezone area.

9. Section 23.70.50 sets forth the standards for the Greenbelt Overlay Districts. Section 23.70.50.A.3 requires providing a Greenbelt preserve that comprises not less than 30 percent of the lot area for lots of 3,000 sq. ft. or less. The Greenbelt preserve area may be increased to not less than 50 percent of the lot area for all lots of 5,000 sq. ft. or more. This section pertains to the Single Family zone.

10. Lots zoned IG located in a Greenbelt Overlay District are to provide a greenbelt preserve of at least 40 percent of the lot area. In addition to those requirements found in Section 23.70.50, lots zoned IG must provide a restored greenbelt preserve of an additional 10 percent of the area and those zoned SF an additional 20 percent. Section 23.70.60.

11. Imposing a condition on the proposed rezone to maintain the 70 percent greenbelt preserve required by the existing single family zone would help to maintain a greater buffer for the adjacent single family area and will not interfere with the proposed use by petitioner.

12. Restricting the height of any structure within the rezone area not to exceed 30 ft. would make the development compatible with surrounding IG zoned and developed property.

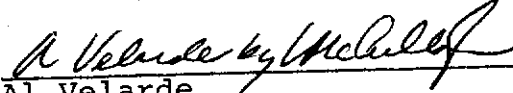
13. The subject site is designated environmentally sensitive because of potential unstable soils problems. Any development of the site would necessitate soils reports to detail the soils and drainage problem, and development would have to be designed to accommodate resolution of any potential problems. Although the proposed rezone would increase potential lot impacts with the precautionary soils measures, the impact of increased potential development should not create additional problems. Maintaining the 70 percent greenbelt preserve requirement would also prevent cutting into the sensitive slope.

#### Recommendation

The property should be rezoned to IG subject to the following conditions:

1. The existing requirement of 70 percent greenbelt preserve should be maintained and be provided in a strip along the east lot line to buffer the single family properties to the east.
2. Potential development attributable from the rezone area shall not exceed three stories of structure and the height of any structure within the rezone area shall not exceed 30 ft. in height.

Entered this 22nd day of January, 1985.

  
Al Velarde  
Hearing Examiner Pro Tempore

#### 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 error 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 discretion, the Council may allow oral or written arguments based on the record when it considers the petition.