

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: December 6, 1996

TO: Greg Kipp
Tom McDonald
Mark Carey
Gary Kohler
Lisa Pringle
Mike Sinsky

Ken Dinsmore
Harold Vandergriff
Terry Brunner
Anna Nelson
Pam Dhanapal

FM: Jerry Balcom

Present: Jerry Balcom, Priscilla Kaufmann, Pam Dhanapal, Larry West, Harold Vandergriff, Terry Brunner, Connie Blumen

1. In approximately 1980 a public health clinic was established under the re-use of schools provisions of K.C.C. 21.08.040(H). The property is currently zoned R-6 and the existing former school building is approximately 13,000 square feet in size. Can this facility be expanded to allow for a new 5,000 square foot modular building to accommodate a nursing services office? (See K.C.C. 21A.08.050 and 21A.32.200 - .220) (Pam Dhanapal)

An Office/Outpatient Clinic land use is allowed outright in the R-6 zone only if it is a re-use of a public school and as a conditional use if it is a reuse of a surplus non-residential facility in a residential zone. Since the proposal is not to re-use the facility, but to add a new building, the use is not allowed.

In addition, K.C.C. 21A.32.200 - .220, which contains provisions for reuse of facilities, does not provide for an expansion of an existing school or surplus nonresidential facility in a residential zone. K.C.C. 21A.32.200 prohibits demolition of more than fifty percent of the original floor area of a surplus

nonresidential facility to assure that the structure is truly being reused, and if the floor area is removed it cannot be rebuilt.

DDES records show that the health clinic may have actually existed prior to 1980 and therefore it is not known what the zoning and land use regulations were at the time the clinic was established. If further research determines that this facility is a legal nonconforming use, then repair, reconstruction, modification and/or expansion of the facility may be allowed pursuant to K.C.C. 21A.32.020 - .090. However if further research determines that the facility is an illegal nonconforming use, the existing use, as well as the proposed use, would not be allowed.

The Committee agreed that a code amendment is needed to allow for repair, reconstruction, modification and/or expansion of a closed public school or surplus nonresidential facility in a residential zone to encourage re-use. In addition, any amendment should evaluate why re-use of a closed public school is permitted outright while re-use of a surplus nonresidential facility is a conditional use. The distinction may be appropriate between permanent and interim re-use of facilities.

2. **A Food Store (SIC #54) is limited to 2,000 square feet gross floor area in the Industrial (I) zone under K.C.C. 21A.08.070(B)6. How do you calculate this maximum allowable gross floor area when the food store will be located in an ARCO AM/PM mini-market which will also include gasoline retail sales (Gasoline Service Station, SIC #554) and fast-food take-out sales (Eating and Drinking Places, SIC #58)? (Pam Dhanapal)**

The Committee discussed two possible methods for determining the allowable floor area for a Food Store located within a mini-market in the Industrial (I) zone. First, count only the shelves, aisles and storage area used for the Food Store toward the 2,000 square foot limit and do not consider the area of the building that is common to all uses, such as bathrooms, cash register counter, aisles and storage for non Food Store items, because those areas would be required even if the Food Store is not included in the proposal. The area calculation would be by simply drawing a box around these areas on the building floor plan.

The second method would be to calculate the area common to all uses and divide that area by the three land uses

and apply the portion of common area required for the Food Store to the 2,000 square foot limit along with the area required for shelves, aisles and storage area used for the Food Store. Which ever method is used, the committee agreed that a formal interpretation should be prepared for the director's signature so the standards and measurement methods are applied consistently.

3. **A note on the recorded plat of Montage states that " 50 foot B.S.B.L. along lots 40-43 may be reduced to 35 foot B.S.B.L. upon approval by the King County Council." Will this require a plat alteration? Can the reduction be achieved through an ordinance passed by the Council which does not alter the recorded plat? Or does DDES have the discretion under K.C.C. 21A.24.310 to reduce the B.S.B.L.? (Steve Bottheim)**

The Committee agreed that a plat alteration would only be required if the applicant want to change the note on the plat. No alteration is required in order to enforce the plat note. It is, however, uncertain what action is required by the Council in order to authorize the B.S.B.L. reduction. Possible actions by the Council could include a letter signed by the Council chair, a motion or an ordinance. Furthermore DDES would not have the discretion under K.C.C. 21A.24.310 to reduce the B.S.B.L. since the condition is a plat condition, not a code requirement under Title 21A.

The Committee suggested that the staff report and adopting ordinance for the plat of Montage be researched to determine if the note on the plat accurately reflects the conditions of approval. If the note is incorrect, the applicant would have the option to apply for a plat correction pursuant to K.C.C. 19.36.089. If the note accurately reflects the conditions of approval, the applicant could contact the Council Member representing the district where the plat is located to determine what action is needed by the Council to authorize the B.S.B.L. reduction.

4. Legislative update

The following proposed ordinances are before the Council for review and approval:

- 96- 065 Adopting the 1994 Uniform Codes
- 96-896 Relating to standards for construction on moderately sloped lots
- 96-700 Automobile repair and service in the Neighborhood Business (NB) zone

Regulatory Review Committee
Meeting Date: December 6, 1996

Page: 4

96-699 Clarifying the term " residential zones"
96-701 Amending bicycle and pedestrian access and
circulation

JB:pk

cc: Priscilla Kaufmann, Code Development Planner
Steve Bottheim, Earth Scientist
Larry West, Earth Scientist

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