



Planning & Community Development.

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ADMINISTRATIVE ORDER# PLN18-0061

SITE – SPECIFIC DETERMINATION

16707 Aurora Ave N. and 16706 Whitman Ave N.

CODE SECTIONS: 20.40.570 – Unlisted Use

I. ISSUE

The applicant would like to continue operation of the existing Gerber Towing and Impound service. Towing and Impound services are not a listed use in Shoreline's Development Code. Can this use continue as a permitted use in the Mixed Business (MB) zone at 16705 Aurora Ave N.?

II. FINDINGS

A. Property Description

The properties subject to this Code Interpretation are two parcels located at 16707 Aurora Avenue N and 16706 Whitman Avenue N, Tax Parcels 9371700020 and 9371700034, respectfully ("Property"). The Property totals approximately 26,565 square feet. The site has six (6) structures with a mix of paved and gravel parking areas. The applicant proposes to demolish all but the structure in the southeast corner. Proposed hours of operation are 7 days a week – 24 hours a day.

The Comprehensive Plan Land Use Designation for the Property is Mixed Use 1. The Property is zoned Mixed Business (MB) and fronts Aurora Avenue N. on the east, Whitman Avenue on the west, an unimproved portion of N. 167th Street on the south with vehicles, minor structures, and debris in the process of being removed, and an office building and associated parking on the north. In the vicinity, properties along Aurora Avenue N are similarly zoned MB. Properties to the west, across Whitman Avenue N are zoned for a variety of residential uses in R-12 and R-18 zones and further west R-6 zoning.

Property Characteristics:

- The Property is nearly entirely covered with pavement or gravel; and structures, including a 1,587 office building constructed in 1947;

- The Property contains no environmental critical areas;
- The Property has existing access from both Aurora Avenue N. and Whitman Avenue N.;
- The Property was previously used by the Gerber Towing Company as a Towing and Impound service. This use, which has no record of being legally established, has existed since Shoreline's incorporation in 1995; and
- Adequately served by public utilities (e.g. water, sewer).

B. Shoreline Municipal Code (SMC)

20.20 Definitions:

Definitions does not define tow yards, impound lots, or vehicle storage or related services.

20.40.040 Nonresidential zones:

C. The purpose of the mixed business zone (MB) is to encourage the development of vertical and/or horizontal mixed-use buildings or developments along the Aurora Avenue and Ballinger Way corridor.

SMC 20.40.110 Use Tables: (Emphasis added)

G. For the purposes of this Code, in most instances only broad use classifications that share similar characteristics are listed in the use tables. Where separate regulations or permit processes are necessary, uses are classified further. Some uses are identified with a detailed description provided in a referenced North American Industrial Classification System (NAICS) number. (This system classifies land uses by categories and provides sub classification for more detailed associated uses.) In case of a question as to the inclusion or exclusion of a particular proposed use, which is not identified in these tables, the use shall not be permitted unless allowed through a Code Interpretation applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria SMC 20.40.570.

SMC 20.40.130 Nonresidential uses.

This table lists permitted uses. Tow Yards, Impound Lots, and Vehicle Storage are not listed.

SMC 20.40.140 Other uses.

This table lists permitted use. Tow Yards, Impound Lots, and Vehicle Storage are not listed.

SMC 20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and

2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

C. Previous Code Interpretations Administrative Order #301546 111408

Administrative Order #301546 111408 was issued in 2008 and considered a proposed unlisted use of temporary storage for towed vehicles at 19806 Aurora Ave N in the Regional Business (RB) zone (now MB zone). The request was denied because of its associated late hours, noise, and the impacts on future residential development.

III. CONCLUSIONS

Pursuant to SMC 20.40.570 Unlisted Use, the following factors are to be considered:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and
 - The proposed use is strictly a towing service with an impound lot. As conditioned, no vehicle repairs or services of any kind will be provided to the vehicles while on the Property. No sale of vehicle parts is allowed.
 - Though the use does not support the purpose of MB zoning district, it is a use with minimal structure or site improvements and therefore can be easily redeveloped in the future.
 - The Property currently has two access points: Aurora Ave N (east) and Whitman Ave N (west). In the Transportation Master Plan, Aurora Avenue is a highway of statewide significance and classified as a Principle Arterial; Whitman Avenue is classified as a Local Secondary Street. Trip Generation for a towing and impound service is not included in the ITE Trip Generation Manual. It is, however, expected that the proposed use will not result in additional trips over that of the prior towing and impound service.
 - The Property has existing fencing and some screening surrounding the Property. Use of the Property for towing and impound services will result in vehicles owned by outside parties being temporarily stored on the Property which will create aesthetic impacts and a need to secure the private property (vehicles).
 - The nature of the proposed use generally requires that the business operate seven (7) days a week, 24 hours a day. While typically the hours of operation and the nature of the proposed use are not compatible with the residential zoning districts to the West, due to the limited scale of the applicant's towing

operations, the layout of the site, and, as conditioned, restricting vehicle access to/from Aurora Avenue N, the proposed use of the property is compatible with the surrounding area.

2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.
 - A vehicle storage and towing service is not listed in the land use table. However, other vehicle repair, rental, and sales uses are permitted in the MB zone. Some of these uses include the storage of new and used vehicles (e.g. car dealerships); box vans, towing trailers and trucks for rent (U-Haul) and are located along the Aurora Avenue corridor.
 - The use currently exists on the Property and apparently has since prior to Shoreline's incorporation in 1995. The applicant has recently purchased the Property and the Gerber Towing business and, a change of business owners will not add or increase the current impacts that the business creates in the area.

IV. DECISION

The proposed use of the Property as a Towing and Impound service is approved based on the information submitted as part of the Code Interpretation application, the Shoreline Comprehensive Plan and Municipal Code, and the added conditions of approval.

V. CONDITIONS

Conditions 1-7 must be met by July 2, 2018:

1. The N. 167th Street unopened Right-of-Way shall not be used for the storage or parking of vehicles. All vehicles, structures, fencing, and debris currently within the Right-of-Way shall be removed and properly disposed.
2. Vehicle access is not permitted from Whitman Avenue N. Site Access shall be from Aurora Avenue N only. An access easement in a form acceptable to the City shall be recorded with King County on the title of the Property to allow vehicles to legally enter the front gate to access the back parcel that fronts on Whitman Ave. N.
3. The entire site shall be screened with a view blocking fencing between 8 and 10-feet in height without gates or additional vehicle access points other than one on Aurora Ave. N. No barb or razor wire is permitted.
4. All outdoor lighting on the site shall be shielded to contain direct lighting on the premises and away from adjoining property.
5. All vehicles used by employees and impounded vehicles shall be parked interior to the perimeter fencing and on an approved surface.
6. No outdoor announcement systems are allowed.

7. Best Management Practices, including fluids management, spill prevention, and response plans, shall be prepared and implemented so as to prevent discharge of vehicle fluids and/or oil into the City of Shoreline's surface water system.
8. As provided in SMC 20.50 Subchapter 7 Landscaping, by November 2018, install perimeter landscaping and temporary irrigation outside the perimeter fence and on the property. This requirement is delayed in order to allow the landscaping to be installed during the wet season when the plants will have a better chance of survival.
 - a. The perimeter landscaping shall be a minimum of five (5) feet wide and planted with Arborvitaes that are a minimum of six (6) feet in height and spaced five (5) feet apart; OR
 - b. The perimeter landscaping shall be a minimum of ten (10) feet wide and planted with other evergreen trees that are a minimum of ten (10) feet in height and spaced ten (10) feet apart.
 - c. Perimeter landscaping is required on all sides of the Property except where the entry gate is located and when site distancing requirements for vehicles exiting the site would preclude such landscaping.
 - d. Prepare and submit to the City a 3-year - landscape maintenance bond.



Director's Signature

5/25/18

Date