

1 BEFORE THE HEARING EXAMINER FOR THE CITY OF MONROE

2 Phil Olbrechts, Hearing Examiner

3

4 RE: JMB Investments	5 FINDINGS OF FACT, CONCLUSIONS 6 OF LAW AND FINAL DECISION.
7 Conditional Use	
8 CUP2019-01	

9 **SUMMARY**

10 The Applicant requests approval of a conditional use permit to occupy an existing 31, 200 square foot building located at 14692 179th Ave SE with administrative offices for the Monroe School District. The application is approved subject to conditions.

11 **ORAL TESTIMONY**

12 Amy Bright, Associate Planner, summarized the staff report. In response to examiner questions, Mr. Bright noted that the only exterior changes to the project site are seal coating of the parking lot, some roofing work and updated landscaping. There will be no expansion of the building. The building has been vacant since 2011 and has become overgrown. There will be extensive changes to interior space because the building was formerly occupied by smaller medical offices. Trip generation will be less than the prior use. In the general vicinity there are smaller medical offices, a pharmacy. To the west is the light industrial zone. The majority of properties in the vicinity area commercial.

13 Mr. Neal, on behalf of the Applicant, noted that there is a small multi-family development to the north of the project. To the west is mainly warehousing. To the south is some smaller medical offices. The multi-family development is separated by a twenty-foot landscaping strip. The multi-family buildings themselves are further separated from the project by parking and playground equipment. The Applicant hopes to keep the mature trees in the landscaping strip but after nine years of neglect the landscaping will otherwise need to be freshened up. The exterior of the building will have to be cleaned up with removal of blackberries from the soffits, replacing the roofing, removing graffiti. The goal of the project is to give the school district newer facilities to work from. The project will be a major upgrade to the building. The Applicant has prepared a traffic report that found that the trip generation of the proposed office use will be less than the former medical use. There are three driveway access points that will all be preserved. There is ample parking as the parking needs for office space are significantly less than for medical use. More parking is provided than required by code.

## EXHIBITS

1 Exhibits 1-11 in the “List of Exhibits,” accompanying the staff report, were admitted  
2 during the hearing on the application.

## FINDINGS OF FACT

### Procedural:

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6 1. Applicant. The Applicant is Tim Kaintz, JMB Investments, LLC, 10515 20th ST  
SE, Suite 130, Lake Stevens, WA 98258.

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8 2. Hearing. A hearing was held on the application on March 19, 2020 at 10:00 am at  
Monroe City Hall in the Council Chambers.

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10 3. Proposal. The Applicant requests approval of a conditional use permit to occupy  
an existing 31,200 square foot building located at 14692 179th Ave SE with  
11 administrative offices for the Monroe School District. The existing wood and  
masonry building was constructed in 1981 and later expanded in 1989 to 31,200  
12 square feet for the use as medical offices and a medical clinic. The building was  
vacated in 2011 and has remained vacant since that time. A tenant improvement  
13 permit has been submitted for the renovation of the subject building as significant  
revitalization is required due to the nine years of vacancy.

14 The property is 2.83 acres or 123,275 square feet and is owned by JMB Investments.  
15 The scope of this project will include seal coating and restriping of the parking areas,  
redeveloping the accessible route to the public way, adding accessible parking stalls,  
16 replanting and maintenance of the landscaping areas, utilities inspection and  
maintenance, new building roof as needed, demolition of existing walls, new floor  
17 plan, new ADA compliant restrooms, new HVAC, new plumbing, and redevelopment  
of the internal floor plan for the use as a school district administration office.  
18

### Substantive:

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20 4. Characteristics of the Area. The project site is surrounded by medical uses on the  
north, south and east with industrial use to the west. An apartment complex is located  
21 to the north, but is separated by a 20-foot landscaping strip, parking and a playground  
area.  
22

23 5. Adverse Impacts. There are no adverse impacts associated with the development.  
Overall, the project will be a net benefit to the community as it involves the upgrade  
24 of a dilapidated building that has been vacant for nine years. Landscaping will be  
refreshed, the parking lot will be seal coated, graffiti will be removed from the walls,  
25 as well as blackberry bushes growing into the soffits. The roof will be replaced.  
Other than these types of exterior remediation measures, there will be no other  
exterior alterations such as expansion of the building area. Trip generation for the

1 proposed office use will be less than that of the former medical use. As outlined in  
2 the staff report, City code requires 144 parking space and the project site will  
3 accommodate 160 spaces. The type of proposed use is of low intensity and fully  
4 compatible with the surrounding medical and industrial uses. The sole residential use  
5 to the north will be separated by a 20-foot landscaping strip, parking and play  
6 equipment. No critical areas will be affected by the proposal as no further land  
7 disturbance or than new landscaping is proposed. No hazards are anticipated for the  
8 proposal and in fact fire hazards will be reduced by the addition of a fire sprinkler  
9 system. As would be expected with an existing building, it will be served by  
10 adequate utilities and public services. Page 3 of the staff report in the table entitled  
11 “Public Utilities and Services Provided by” identifies the service provider for all  
12 necessary utilities and services.

## 13 CONCLUSIONS OF LAW

### 14 Procedural:

15 1. Authority of Hearing Examiner. Table 22.84.060(B)(1) and (2) provide  
16 that the hearing examiner shall hold hearings and issue final decisions on conditional  
17 use permit applications.

### 18 Substantive:

19 2. Zoning. The subject property is zoned Mixed Use Medical.

20 3. Review Criteria and Application. MMC 22.20.030 requires a conditional  
21 use permit for government administration buildings in the mixed-use medical zone.  
22 Conditional use permit applications are governed by MMC 22.64.040A5, the criterion  
23 of which are quoted below in italics and applied through corresponding conclusions  
24 of law.

25 **MMC 22.64.040A5a:** *The use is consistent with the Monroe unified development  
regulations and the comprehensive plan;*

4. The criterion is met. The use is consistent with applicable development standards  
as outlined in the “MM Zoning District” table located at p. 2 of the decision. The  
proposal is consistent with the comprehensive plan for the reasons identified at page 4  
of the staff report.

**MMC 22.64.040A5b:** *The use is designed, constructed, operated, and maintained in  
a manner that is compatible with the existing or intended character, appearance,  
quality of development, and physical characteristics of the subject property and the  
general vicinity;*

5. The criterion is met. The proposal does not involve any exterior changes to the  
existing building except to remediate deterioration that has occurred over the last nine

1 years for the duration of the building’s vacancy. The proposal is further compatible  
2 with surrounding uses for the reasons identified in Finding of Fact No. 5.

3 **MMC 22.64.040A5c:** *The location, size, and height of buildings, structures, walls,*  
4 *fences, and screening vegetation for the conditional use shall not hinder neighborhood*  
5 *circulation or discourage the permitted development or use of neighboring properties;*

6 6. The criterion is met. The building is setback from adjoining uses on all sides by  
7 ample parking, landscaping and two abutting roads. As noted in Finding of Fact No.  
8 5, trip generation will be less that for what the building was previously approved for  
9 medical use. As further identified in Finding of Fact No. 5, the proposal will not create  
10 any adverse impacts, which would include any impacts that limit the use of  
11 neighboring properties. For these reasons, it is concluded that the proposal will not  
12 hinder neighborhood circulation or discourage permitted use or development or  
13 neighboring properties.

14 **MMC 22.64.040A5d:** *The type of use, hours of operation, and appropriateness of the*  
15 *use in relation to adjacent uses will not create unusual hazards or result in adverse*  
16 *impacts;*

17 7. The criterion is met. As determined in Finding of Fact No. 5, there are no adverse  
18 impacts associated with the proposal and the use is fully compatible with the  
19 surrounding development. No hazards have been identified for the proposal nor are  
20 any such reasonably anticipated from office use. Fire hazards will be reduced by the  
21 addition of a sprinkler system.

22 **MMC 22.64.040A5e:** *The use shall be served by adequate public facilities and*  
23 *services and will not adversely affect public services to the surrounding area or*  
24 *conditions can be established to mitigate adverse impacts of such facilities; and*

25 8. The criterion is met for the reasons identified in Finding of Fact No. 5.

**MMC 22.64.040A5f:** *In addition to compliance with the criteria set out here, an*  
*applicant for a conditional use permit shall comply with all requirements of this title.*

9. The criterion is met. The use is consistent with applicable Title 22 standards as  
outlined in the “MM Zoning District” table located at p. 2 of the decision.

## DECISION

The conditional use permit is found to be consistent with all applicable conditional  
use permit criteria for the reasons outlined in the conclusions of law in this decision.  
As a result, the conditional use permit application is approved, subject to the  
following conditions:

1. Pursuant to MMC 22.64.040(B) and MMC 2.84.060(E) if not acted upon, the

- 1 conditional use permit shall not be approved for a period of time greater than five  
2 years, exclusive of any extensions allowed.
- 3 2. Once a conditional use permit has been approved and issued by the city, the  
4 approved conditional use may continue as long as all conditions of permit  
5 issuance are met.
  - 6 3. The recipient of a conditional use permit shall file a land use permit binder on a  
7 form prescribed by the city in conformance with MMC 22.64.040. The  
8 conditional use permit shall not be effective until such binder has been filed with  
9 the Snohomish County auditor. If no appeal was filed on the conditional use  
10 permit decision, the binder shall be filed within thirty days of the expiration of all  
11 applicable appeal periods. The binder shall serve both as an acknowledgment of,  
12 and agreement to abide by, the terms and conditions of the conditional use permit,  
13 and as a notice to prospective purchasers of the existence of the conditional use  
14 permit.
  - 15 4. The environmental impacts shall not exceed those identified in the SEPA  
16 checklist (Exhibit 11) and the resulting SEPA determination of non-significance.
  - 17 5. In the event the use creates a detrimental impact to the surrounding properties, as  
18 identified through the code violation processes and nuisance code found in Title 6  
19 of the Monroe Municipal Code and other applicable nuisance chapters; the City of  
20 Monroe may require a subsequent public hearing to discuss modification(s) to, or  
21 revocation of the Conditional Use Permit.
  - 22 6. A building permit is required for any tenant improvement work to the existing  
23 building above and beyond minor cosmetic repairs.
  - 24 7. Any proposed signage requires a separate sign permit.

25 Dated this 30<sup>th</sup> Day of March 2020.

  
Phil A. Olbrechts  
City of Monroe Hearing Examiner

### Appeal Right and Valuation Notices

MCC Table 22.84.060(B)(1) and (2) provide that this decision is final, subject to appeal to Snohomish County superior court. Such appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW. Appeals must be filed and served within 21 days of issuance of this decision as required by the Land Use Petition Act.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.