

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 631

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE SUBDIVISION AND FINAL PLAT KNOWN AS COLEMAN.

WHEREAS, on May 15, 2006, application was made to the City of Burien for the preliminary approval of a subdivision known as Coleman; and

WHEREAS, on December 4, 2006, the City Council adopted Resolution 253, which concurred with the Findings, Conclusions, and Recommendation of the City's Hearing Examiner and preliminarily approved the Coleman Subdivision, subject to a number of terms and conditions; and

WHEREAS, pursuant to Ch. 58.17 RCW and Ch. 17.45 BMC, the City's Department of Community Development has reviewed the final plat of Coleman Subdivision and determined it to comply with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Findings. The City Council makes the following findings:

A. The Findings, Conclusions, and Recommendation of the City's Hearing Examiner attached hereto as Exhibit A are hereby adopted and incorporated herein by this reference.

B. The Final Plat for the Coleman Subdivision complies with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

Section 2: Approval. The City Council hereby approves the Coleman Subdivision and Final Plat subject to all terms and conditions set forth in the attached Exhibit A.

Section 3: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 5: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
21 DAY OF December, 2015, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 21 DAY OF December, 2015.

CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Soojin Kim, City Attorney

Filed with the City Clerk: December 21, 2015
Passed by the City Council: December 21, 2015
Ordinance No. 631
Date of Publication: December 29, 2015

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE HEARING EXAMINER
CITY OF BURIEN**

APPLICANT: John Coleman, C & O Development Company

CASE NO.: PLA 06-0740

LOCATION: 602 South 150th Street (see Exhibit A, Attachment 1)

APPLICATION: A request subdivide a 0.28 acre (12,240 square foot) residential lot into 6 single-family residential lots in the RM-24 Residential Multi-Family zone (see Exhibit A).

REVIEW PROCESS: Hearing Examiner conducts a public hearing and submits a recommendation to the City Council, who makes the final decision.

MAJOR ISSUES: Compliance with the City's municipal code relative to subdivisions, streets and stormwater control.

SUMMARY OF RECOMMENDATION AND DECISION:

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Planning Division Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Coleman application was opened at 10:25 a.m., November 9, 2006, in the Council Chambers, Burien City Hall, Burien, Washington, and closed at 10:35 a.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Planning Division.

HEARING COMMENTS:

The following is a summary of the comments offered at the public hearing.

From the City:

Chip Davis, Planner: Reviewed the specifics of the case, noting that the lots would be

2,040 square feet in area, which meet minimum requirements. Mr. Davis briefly described the decision criteria for subdivision approval and provided staff's analysis and recommendations (see exhibit A and attachments).

From the Applicant:

John Coleman: Commented that he had no concerns related to staff recommendations and had minor questions relative to process.

Jude Ogunleye: Noted that they were in process of clarifying requirements from the Fire Marshall relative to lot access as it relates to provision of fire hydrants and/or sprinklers.

From the Community:

None in attendance.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on page 4 and 5 in Exhibit A, Planning Division Advisory Report, October 20, 2006, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 7 in Exhibit A, Planning Division Advisory Report, October 20, 2006, is accurate and hereby adopted by reference.
3. The Facts and Conclusions regarding compliance with subdivision criteria on pages 7 and 8 in Exhibit A, Planning Division Advisory Report, October 20, 2006, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 8 through 14 in Exhibit A, Planning Division Advisory Report, October 20, 2006, are accurate and are hereby adopted by reference.
5. The Facts and Conclusions regarding the Preliminary Plat maps on pages 14 and 15 in Exhibit A, Planning Division Advisory Report, October 20, 2006, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on page 15 in Exhibit A, Planning Division Advisory Report, October 20, 2006, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a six lot subdivision be approved, subject to the following conditions:

1. Compliance with the recommended staff conditions #1 through #4 on pages 2 through 4 of the Planning Staff Advisory report dated October 20, 2006.

Entered this 21st day of November, 2006.



Donald B. Lergen
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION:

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW:

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBIT:

The following exhibit was offered and entered into the record:

- A. Planning Staff Report with attachments dated October 20, 2006.

PARTIES OF RECORD:

John Coleman
C & O Development Company
10615 Cornell Avenue South
Seattle, WA 98178

Jude Ogunleye
C & O Development Company
11627 SE 210th Place
Kent, WA 98031

Planning Department

Lee and Bonnie Warner
PO Box 66537
Seattle, WA 98166

Margie Sannes
14910 6th Avenue South
Burien, WA 98168

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 253

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE COLEMAN SUBDIVISION

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on November 9, 2006 at which testimony from city staff, the applicant and public was heard regarding the preliminary plat approval of the Coleman Subdivision; and,

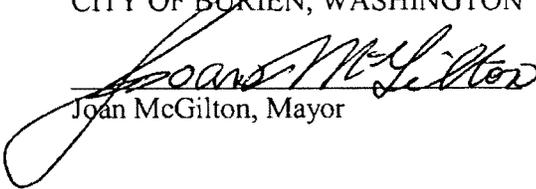
WHEREAS, on November 21, 2006 the Hearing Examiner made a recommendation to the City Council; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN,
WASHINGTON, DOES RESOLVE AS FOLLOWS:

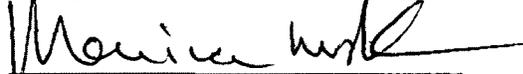
Section 1. The City Council, having considered the Coleman preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Coleman preliminary plat and adopts the Hearing Examiner's findings and conclusions attached as Exhibit "A", as fully incorporated herein as if fully set forth.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
WASHINGTON, AT A REGULAR MEETING THEREOF THIS 4th DAY OF DECEMBER,
2006.

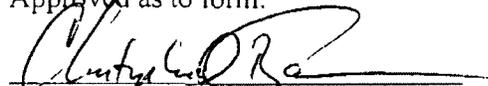
CITY OF BURIEN, WASHINGTON


Joan McGilton, Mayor

ATTEST/AUTHENTICATED:


Monica Lusk, City Clerk

Approved as to form:


Christopher D. Bacha, Interim City Attorney

Filed with the City Clerk: November 29, 2006
Passed by the City Council: December 4, 2006
Resolution No.: 253