

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

November 24, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

**Planning Commission Members Present:**

Joe Fitzgibbon, Rebecca McInteer, Stacie Grage, Rachel Pizarro, Jim Clingan

**Absent:** Janet Shull, Brian Bennett

**Others Present:**

Chip Davis, planner

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Vice Chair Clingan called the meeting to order at 7:13 p.m. At the call of the roll all commissioners were present except Commissioners Shull, Bennett and Fitzgibbon.

**Agenda Confirmation**

Motion to approve the agenda as presented was made by Commissioner Grage. Second was by Commissioner Pizarro and the motion carried unanimously.

**Public Comment**

None

**Approval of Minutes**

Commissioner Grage moved to approve the minutes of October 20, 2009, and October 27, 2009, as presented. Second was by Commissioner Pizarro and the motion carried unanimously.

Chair Fitzgibbon arrived at 7:15 p.m. and Vice Chair Clingan turned the meeting over to him.

**Public Hearing**

Chair Fitzgibbon opened the public hearing.

**Gerald Robison**, 1228 SW 119<sup>th</sup> St., stated he is generally satisfied with the staff recommendation regarding the conversion of the county's special overlay zoning near Salmon Creek. His only criticism, he said, is that the staff recommendation does not include the density incentives – reduced parking requirements, reduced setbacks, and others – that the county offered.

**Neil Nyyssela**, speaking in reference to his property at 11441 16<sup>th</sup> Ave SW, said Burien's zoning is not always conducive to industrial uses. He's concerned about the affect of the converted zoning on his various properties in the North Highline Annexation Area, but said for the most part he came to the hearing to see what's going on.

**Ed Dacy**, 2016 SW 146<sup>th</sup> St., said he is chairman of the Pastoral Council at St. Bernadette's Catholic Church. He said he didn't know until just then that the church property is divided between two zones. The long-range plan for the portion located in the second zone is a church. He'd like to see the entire church property in one zone.

Chip Davis, planner, noted that religious institutions are allowed in all zones, so it doesn't really matter, unless the archdiocese wants to use that portion for something unrelated.

**Martin Taylor**, 12716 6<sup>th</sup> Ave SW, recalling earlier competition between Seattle and Burien, asked if Burien got any money from the state for annexation.

Mr. Davis replied that he didn't think that any of the proposals pertaining to funding for annexation that were in the Legislature made it out of committee. Chair Fitzgibbon added that there is a pre-existing law, applying to all cities doing annexations in urban unincorporated areas, that will provide money from the state, but it's a relatively small amount.

Councilmember Keene, in the audience, said the amount is \$600,000. She said there possibly will some money for annexing the northern portion of North Highline at a later date.

There being no other testimony, Chair Fitzgibbon closed the public hearing at 7:23 p.m.

### **Old Business**

#### *a. Discussion and recommendation on conversion of King County zoning classifications to Burien zoning classifications in the North Highline Annexation Area*

Mr. Davis did a short presentation to bring the commissioners up to date. He noted that questions were raised at the commissioners' last meeting concerning the conversion of the King County R-48 multi-family residential and CB special district overlay zoning designations. He said staff has further refined the Burien zoning designations to reflect those comments and concerns. Mr. Davis called the commissioners' attention to two comment letters and a King County rezone public hearing notice that had been entered into the hearing record and provided to the commissioners.

Mr. Davis noted that the issues raised in citizen comments have been addressed in the amended staff-recommended zoning proposals. Regarding the county's R-48 multi-family designation, the staff is recommending creation of an RM-48 interim zoning designation in the Burien Zoning Code, with modified density and development standards applying only to the North Highline annexation area. Mr. Davis pointed out that a significant number of the development standards are the same as those in place under King County; in fact, the proposed language allowing a height increase in return for increased setbacks mirrors the King County language. He explained that staff is not recommending adoption of the density incentive and transfer of development rights components at this time, the reasons being that the public benefits to be provided in exchange for increased density currently are not outlined in policy in the Burien Comprehensive Plan; none of the public benefit programs used by King County to award density bonuses are in place and operating in Burien; and Burien does not participate in the King County transfer of development rights program at this time. The question of increasing density in the RM-48 zone should be addressed as part of a community-wide update of the City's Comprehensive Plan, which should be completed in 2011.

Moving on to the county's CB Special District Overlay – Commercial/Industrial designation, Mr. Davis said staff is recommending a special regulation be placed on the Community Commercial zone use chart to allow those uses currently part of the county's overlay designation as allowed by King County Code 21A.38.100. The continuation or expansion of the existing commercial/industrial land uses in the zone that are not allowed in either the CB Overlay District or the CC zone will be governed by the continuing uses provision in Burien Municipal Code 19.55.025 for the interim zoning designation. Only the uses considered nonconforming under King County will be considered "continuing uses" under the Burien code.

Mr. Davis went on to say that, at this time, the staff is not recommending adoption of other provisions of the CB Special District Overlay designation relating to waiving of development standards including parking, landscaping, setbacks, building height limits, street improvements, pedestrian circulation and

impervious surface coverage. Staff recommends the development standards issue be revisited as part of the community-wide update of the City's Comprehensive Plan, to be completed in 2011.

Mr. Davis noted that since distribution of the interim zoning map, staff has discovered two other items needing clarification. There are two Community Commercial zoning designations in the City of Burien – CC-1 and CC-2. The second one, CC-2, allows greater density in the residential portion of mixed use developments and has no limits in the size of retail uses in that zone; therefore staff is recommending that CC-2 be applied in the annexation area.

Also, Mr. Davis said, staff has become aware of a pending King County rezone of 11228 8<sup>th</sup> Ave S. from R-48 (Multi-family 48 units per acre) to NB (Neighborhood Business) with the intention of using the parcel as additional parking for the adjacent fruit and vegetable store. To avoid a potential zoning conflict at the date of annexation, staff is recommending the parcel be designated CN (Neighborhood Center) on the Burien interim zoning map, to match the adjacent properties.

Mr. Davis added that as of Monday night, the City Council had not set an effective date for annexation and is still in discussions with King County to resolve the Puget Sound Park dispute. At this point, staff is operating under the assumption that the annexation effective date will be March 2, 2010, as originally intended by the City Council.

Commissioner Clingan asked why on Attachment 3 King County's maximum height allowance is 80 feet, but Burien's is only 75. Mr. Davis replied that the 75-foot figure is in King County code; it appears the only way they can get to 80 feet is with density bonuses or transfer of development rights, and since Burien doesn't have either of those programs, staff capped it at 75 feet. Commissioner Clingan then asked about the parking requirements – 1.2 spaces/unit in King County versus 1.8 spaces per unit in Burien. Mr. Davis said it probably is a similar situation. Commissioner Clingan then asked when King County would make the decision on the rezone request; Mr. Davis said he doesn't know, but the applicant has been working toward the rezone for three years and has spent \$6,000 so far, and so is most anxious to resolve the issue as soon as possible.

Commissioner Grage moved that the Planning Commission recommend to the City Council approval of proposed interim zoning designations for the North Highline Annexation Area as outlined in the proposed Burien zoning code text amendments and with the inclusion of the CC-2 designation for the Community Commercial zone and the designation of the property located at 11225 8<sup>th</sup> Ave. S. as CN, Neighborhood Center, on the proposed North Highline Annexation Area applied zoning map. Commissioner Pizarro seconded the motion. The motion passed unanimously.

### **New Business**

None

### **Planning Commission Communications**

None

### **Director's Report**

The next meeting of the Planning Commission will be dedicated in its entirety to the fee-in-lieu of parking program, said Mr. Davis.

Also, there has been a slight modification to the NERA zoning designations being proposed to the City Council. There are two AI – Airport Industrial zones, one including an auto mall and one without an auto mall, so staff is proposing to differentiate them by calling one AI-1 (with an auto mall) and the other AI-2 (the remainder of the AI area).

**Adjournment**

Motion to adjourn was made by Commissioner Pizarro. Commissioner Grage seconded the motion. The meeting was adjourned at 7:45 p.m.

Approved: January 12, 2010

/s/ Joe Fitzgibbon, chair