



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 7, 2004

Ordinance 15089

Proposed No. 2004-0415.2

Sponsors Phillips

1 AN ORDINANCE concurring with the recommendation of
2 the hearing examiner to approve, subject to conditions,
3 reclassification of certain property located on the north side
4 of Southwest 112th Street between 14th Avenue Southwest
5 and 16th Avenue Southwest as described in department of
6 development and environmental services file no.
7 L04TY402, from R-6 (Potential R-24) to R-24, at the
8 request of Henry Neubaum, and amending King County
9 Title 21A, as amended, by modifying the zoning map to
10 reflect this reclassification.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. This ordinance adopts and incorporates the findings and

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conclusions of the November 1, 2004, report and recommendation of the hearing

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examiner, filed with the clerk of the council on December 1, 2004, upon the application

17 of Henry Neubaum to reclassify certain property described in department of development
18 and environmental services file no. L04TY402.

19 SECTION 2. The recommendation of the hearing examiner to reclassify the
20 subject property from R-6 (Potential R-24) to R-24 is hereby adopted, subject to the
21 following pre-effective condition:

22 The property owner shall dedicate four feet of right-of-way along the
23 south property line for future use as part of Southwest 112th Street.

24 This reclassification will not become effective until the foregoing
25 condition is met. The final date to meet this pre-effective condition is
26 December 31, 2005, or this reclassification will be of no further force or
27 effect, unless this date is extended by the Council in the manner
28 authorized by KCC 20.24.230.

Ordinance 15089

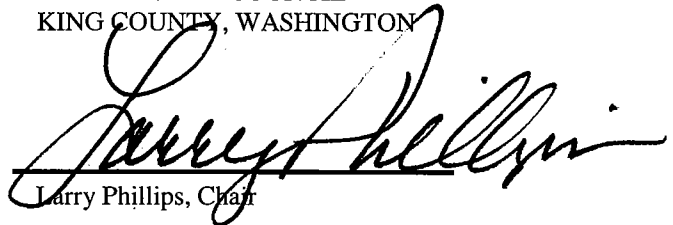
29 Upon this ordinance becoming effective, the land use services division shall
30 amend the official zoning maps of King County to reflect this action.

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Ordinance 15089 was introduced on 9/7/2004 and passed by the Metropolitan King
County Council on 12/6/2004, by the following vote:

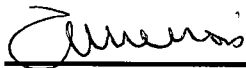
Yes: 13 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Pelz, Mr. McKenna, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague,
Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated November 1, 2004

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND RECOMMENDATION

SUBJECT: Department of Development and Environmental Services File No. **L04TY402**
Proposed Ordinance No. **2004-0415**

MARY COURT APARTMENTS
Application for Reclassification

Location: 1424 Southwest 112th Street

Applicant: Henry Neubaum
represented by **Indra Jain**
13805 – 64th Pl. Northeast
Kirkland, WA 98034

King County: Department of Development and Environmental Services
represented by **Karen Scharer**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7114
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	October 28, 2004
Hearing Closed:	October 28, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

The proposed reclassification of approximately 11,000 square feet in the urban area to R-24 (Urban Residential) is recommended to be approved, to permit the construction of up to six multi-family dwelling units.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Request: Rezone of 11,000 square feet from R-6 (Potential R-24) to R-24 (Urban Residential)

Location: North side of SW 112th Street between 14th & 16th Ave. SW, 1424 SW 112th St.

Proponent: Henry Neubaum
24431 11th Ave S.
Des Moines, WA 98198
Phone 206-870-8030

King County Permit: Rezone - L04TY402

Threshold Determination: Determination of Non-significance (DNS)

Date of Issuance: August 27, 2004

King County Permits: Rezone & Future Building Permit

County Contact: Karen Scharer, Program/Project Manager,
Current Planning Section, LUSD
Phone # 296-7114 or e-mail at karen.scharer@metrokc.gov

Existing Zoning: R-6 (Potential R-24)

Community Plan: Highline/White Center

Section/Township/Range: 16-26-05 Parcel # 3451000473

2. Except as modified below, the facts set forth in the King County Land Use Services Division preliminary report to the King County Hearing Examiner for the October 28, 2004, public hearing are found to be correct and are incorporated herein by this reference. The said report is exhibit no. 2 in the hearing record.

The numbers of King County Comprehensive Plan Policies referred to in the Division's report were modified by Ordinance no. 15028, effective October 11, 2004. The numbers of policies U-120, U-121 and U-122 were changed to U-122, U-123 and U-124, respectively. No change was made to the substance of those policies.

3. The environmental determination of non-significance issued on August 27, 2004, provides that it is not limited to the request for reclassification. Future development permits on this site may depend on the SEPA review conducted for this reclassification. The need, if any, for additional environmental review will be determined when applications are filed for construction permits.

CONCLUSIONS:

1. The conclusions set forth in the King County Land Use Services Division’s preliminary report to the King County Hearing Examiner for the October 28, 2004, public hearing are adopted by the Examiner and incorporated herein by this reference.
2. The environmental review conducted for this reclassification, documented in the Determination of Non-significance issued on August 27, 2004, may be sufficient for the development of the subject property. That sufficiency will be determined when applications are submitted for permits required for development.

RECOMMENDATION:

APPROVE reclassification of the subject property from R-6 (potential R-24) to R-24, subject to the following pre-effective condition:

1. The property owner shall dedicate four feet of right-of-way along the south property line for future use as part of Southwest 112th Street.

This reclassification should not become effective until the foregoing condition is met. The final date to meet that condition should be December 31, 2005, or this reclassification should be of no further force or effect.

ORDERED this 1st day of November, 2004.

James N. O’Connor
King County Hearing Examiner *pro tem*

TRANSMITTED this 1st day of November, 2004, to the parties and interested persons of record:

Tanya Aguilar
1416 SW 112th St.
Seattle WA 98146

Indra Jain
13805 - 64th Pl. NE
Kirkland WA 98034

Henry Neubaum
24431 - 11th Ave. S.
Des Moines WA 98198

John O'Rourke
 Attorney At Law
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 Des Moines WA 98198

Lisa Dinsmore
 DDES/LUSD
 MS OAK-DE-0100

Mark Mitchell
 DDES/LUSD
 Current Planning
 MS OAK-DE-0100

Carol Rogers
 DDES/LUSD
 MS OAK-DE-0100

Karen Scharer
 DDES/LUSD
 Current Planning
 MS OAK-DE-0100

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before November 15, 2004*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before November 22, 2004*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE OCTOBER 28, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04TY402.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Karen Scharer, representing the Department; Indra Jain representing the Appellant; and John O'Roarke.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES file L04TY402
- Exhibit No. 2 DDES preliminary report for L04TY402, prepared 10/13/2004 with attachments as follow:
 - 2.1. GIS area zoning map
 - 2.2. Site Plan Design
 - 2.3. Certificate of Water Availability, 9/3/03
 - 2.4. Sewer Certificate dated 8/5/04
 - 2.5. Memo from KC Parks regarding Fee in Lieu, dated 6/21/04

- Exhibit No. 3 Application for land use permit/rezone L04TY402, received 6/2/04
- Exhibit No. 4 Environmental checklist, received 6/2/04
- Exhibit No. 5 SEPA determination of non-significance dated 8/27/04
- Exhibit No. 6 Affidavit of posting indicating posting date of 7/24/04 & & rec'd 7/30/04
- Exhibit No. 7 Assessors maps (2), SW 06-23-04 & NW 7-23-04
- Exhibit No. 8 Preliminary Design Plans including elevations for Mary Court Apts., received 6/2/04
- Exhibit No. 9 GIS aerial map of area
- Exhibit No. 10 GIS Comp. Plan Land Use map of area
- Exhibit No. 11 GIS Zoning map of area

JNOC:ms

L04TY402 RPT