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# PLANNING COMMISSION

## Special Meeting Agenda

Council Chambers- Mercer Island City Hall  
9611 SE 36TH STREET | MERCER ISLAND, WA 98040  
PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)

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## Wednesday, October 30, 2019

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### Planning Commissioners

Carolyn Boatsman

Tiffin Goodman, Chair

Daniel Hubbell

Jennifer Mechem

Lucia Pirzio-Biroli

Craig Reynolds, Vice-Chair

Ted Weinberg

### CALL TO ORDER & ROLL CALL

6:00 PM

### APPROVAL OF MINUTES

Minutes from October 16, 2019

### APPEARANCES

6:05 PM

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

- Speak audibly into the podium microphone
- State your name and address for the record
- Limit your comments to three minutes

*The Commission may limit the number of speakers and modify the time allotted. Total time for appearances: 15 minutes*

### PUBLIC HEARING

#### Agenda Item #1: Public Institution Code Amendment

6:15 PM

Public hearing on proposed code amendment.

### REGULAR BUSINESS

#### Agenda Item #2: Public Institution Code Amendment

6:30 PM

Discussion and recommendation of a proposed amendment to Chapter 19.05 MICC

### OTHER BUSINESS

Directors Report

Planned Absences for Future Meetings

Next Scheduled Meeting: November 6, 2019

### ADJOURN

7:00 PM

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# PLANNING COMMISSION

## MEETING MINUTES



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**Wednesday, October 16, 2019**

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### CALL TO ORDER

The Planning Commission was called to order by Chair Goodman at 6:05 pm in the City Hall Council Chambers at 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.

### ROLL CALL

Chair Tiffin Goodman, Vice Chair Craig Reynolds, Commissioners, Carolyn Boatsman, Daniel Hubbell, Jennifer Mechem (arrived at 6:10pm), Lucia Pirzio-Biroli and Ted Weinberg were present.

### STAFF PRESENT

Evan Maxim, CPD Director, Andrea Larson, Senior Administrative Assistant, and Mona Davis, Planning Manager.

### MINUTES

It was moved by Weinberg, seconded by Hubble to:  
**Approve the October 2, 2019 minutes as amended.**  
Passed 5-0

### APPEARANCES

Cheryl D'Amboisio 3712 E mercer Way. Has lived in this home for 40 year. She spoke to the impacts to her home from traffic and the safety issues it has presented from the facilities on east mercer way. She spoke to people driving down her street that shouldn't be that cannot find the facilities they are looking for. She spoke regarding the noise from leaf blowers in the fall and the disruption it causes to the neighborhoods. She asked about flood lights that are on all night long in parking lots that are not shielded. She spoke to decreasing property values as well. She spoke to her concerns on 37<sup>th</sup> St.

Peter Strauss, 9130 SE 54<sup>th</sup> St. He spoke to his concerns regarding Community Facilities. He spoke to how other community facilities have successfully used CUPs for year. He spoke to undesirable concerns that could come from continuation of the community facilities discussions rezone. He spoke to the three options presented in the staff report. He spoke regarding the joint study session with the City Council

Amy Lavin 7835 SE 22<sup>nd</sup> Pl, CEO of SJCC. She spoke to her interest in working with the City and neighbors in working on this issue and coming to a solution that will let them be able to make updates to their facilities.

Mat Goldbach, 9840 SE 40<sup>th</sup> St. He spoke to his concerns regarding the problem statement that was listed in the staff report. He spoke that the problem statement doesn't define what the problem is currently in front of the Planning Commission. He spoke to how other facilities on the Island are successfully functioning under a CUP. He spoke to the problem of most of the people using these facilities do not live on Mercer Island. He spoke to his concerns about traffic. He spoke about parking, lighting, trees and that they need to be

addressed.

Dave Cutler, Partner at Northwest studios, 2206 E Crescent Drive, Seattle. He thanked the Commission for their commitment to this process. He spoke to the uncertainty that this process has caused for the students at FASPS. He spoke to how they cannot plan for a future with the current zoning and how the CUP process will be difficult under this process. He also spoke to the cost of this process. He spoke regarding aging facilities and how to make critical upgrades to them. He spoke to the City recommending they apply for the Comprehensive Plan amendment and rezone.

Ryan Rahlfs, 9703 SE 40<sup>th</sup> St. He spoke to how members of the Planning Commission have stated in the past that the CFZ was to protect the neighbors. He asked the Planning Commission to consider if this is still the case. He spoke to asking if these properties are in compliance. He spoke how other facilities you don't hear complaints about the zoning and how these are specific complaints specific to these facilities. He spoke to bus parking issues on a side street.

John Hall, 9970 Se 40<sup>th</sup> St. he spoke to how he has written to the PC many times over the last 18 months providing history. He spoke to how there was not supposed to be access to the facilities from SE 40<sup>th</sup> St. He spoke to how residential lots have been purchased by the applicants in anticipation to the regulations changing

Ira Appleman, Shorewood. He spoke to his involvement in city government for the last 22 years. He spoke to the problem of facilities being a regional facility on Mercer Island and how it becomes a political problem. He spoke to the MICEC bond in 1997-1998. He spoke to how the government wanted to make a regional facility, and how the bond failed due to this. He spoke to how Mercer Island does not want to become crowded with regional facilities. He asked the PC to keep this in mind that the community doesn't want regional facilities

Daniel Thompson, 7265 N Mercer Way. He spoke to land use is politics and how it will cause bonds to fail. He spoke to the community being sensitized to community facilities. He spoke to how a master plan is what is wanted by the applicants. He stated the community facility zone is now toxic. He spoke to how there are only 6 people on the island who understand what a master plan is. He spoke to the only regulatory limit. He spoke to the complaints of the neighbors. He spoke to the concern of intensity of use.

## **REGULAR BUSINESS**

### **Agenda Item #1: Community Facility Regulations**

Evan Maxim, CPD Director, gave a presentation on Community Facility Regulations for discussion following the August 20, 2019 City Council and Planning Commission joint study session.

The Commission took a break until 7:05pm.

The Commission discussed the problem statement.

The Commission requested more information on how the CUP process works, including typical costs, length of the process, how much discretion does staff have when approving a CUP, and what is the level of discretion regarding record keeping. They also requested more information on how the master plan process would be better and on how a CUP could be used to make exceptions to the development code.

The Commission stated that the problem statement should include "additional growth to neighborhoods and that these neighborhoods do not want more development.

The Commission discussed that there should be a way for the community to weigh in on potential changes to their neighborhoods, and that a clearly defined public engagement process needs to be included so that all stakeholders can be involved.

The Commission spoke to how the current problem statement does not address site aggregation or how current regulations don't allow for tradeoffs for site optimization.

The Commission discussed enforcement.

The Commission discussed the three options.

The Commission discussed the timeline for continuing the discussion. The Commission also requests more public outreach.

The Commission took a break until 8:35pm.

**Agenda Item #2: ZTR19-002 Public Institution Code Amendment**

Evan Maxim, CPD Director, provided a brief presentation and introduction to the 2020 Comprehensive Plan amendments preliminary docket.

The Commission reviewed the proposed docket.

The Commission indicated that an Economic Development Comprehensive Plan amendment should be added to the 2020 docket to establish economic development policies and goals that involve establishing bidding direction around priorities, values and strategies.

The Commission indicated that the RDS review, should be pushed to the 2021 docket.

The Commission indicated that an additional Comprehensive Plan amendment should be added to the docket regarding Trees in the ROW.

**OTHER BUSINESS**

Evan Maxim, CPD Director, updated the Commission on City Councils first review of the 2019 Comprehensive Plan amendments.

**PLANNED ABSENCES FOR FUTURE MEETINGS**

Commissioners Pirzio-Biroli and Craig Reynolds will be absent on October 30, 2019

**ANNOUNCEMENTS AND COMMUNICATIONS**

The next Planning Commission meeting is on October 30, 2019 at 6:00PM.

**ADJOURNMENT**

The meeting was adjourned at 9:43pm.

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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

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## PLANNING COMMISSION

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**To:** Planning Commission  
**From:** Evan Maxim, Director  
**Date:** October 30, 2019  
**RE:** Public Institution Code Amendment (ZTR19-002)

### SUMMARY

On August 5, 2019, the Growth Management Hearings Board (GMHB) issued a decision on an appeal of Ordinance No. 18-13 and 18C-14 (Case No. 19-3-0003c). One of the appeal “issues” is related to the Comprehensive plan amendment and rezone of property adjacent to the Tully’s Property and known as “Parcel 12 / WSDOT”. In particular, the GMHB decision notes that the language in MICC 19.05.010(B) is not consistent with the amendments to the land use map in the Comprehensive Plan and is not consistent with the amended zoning map. The proposed amendment is intended to correct this inconsistency.

The Planning Commission reviewed this proposed code amendment on October 2, 2019. On October 30, 2019, the Planning Commission will hold a scheduled public hearing. Following the close of the public hearing, staff anticipates that the Planning Commission will make a recommendation to the City Council.

### BACKGROUND

#### Overview

Ordinance No. 18-13 and 18C-14 collectively amended the future land use map designation and the zoning map designation for a property located adjacent to the former Tully’s property. The property affected was generally referred to as the “Parcel 12 / WSDOT” property and is owned by the City of Mercer Island and the Washington Department of Transportation.

Ordinance No. 18-13 amended the land use map designation of the Parcel 12 / WSDOT property from “Linear Park (I-90)” to “Town Center”. Ordinance No. 18C-14 amended the zoning map designation of the property from “Public Institution (PI)” to “Town Center (TC)”. The change in map designations is intended to allow the City to develop commuter parking on the Parcel 12 / WSDOT property and neighboring Tully’s property. The TC zoning designation allows the City to engage in an agreement for a public-private development, which in turn furthers Town Center goals and is intended to result in more commuter parking stalls than could be otherwise be built on the combined properties.

The GMHB decision notes that the code language contained in MICC 19.05.010(B) indicates that all of the property within the I-90 Right-of-Way, including areas used as open space and linear greenbelts, is zoned “Public Institution (PI)”. This code language is inconsistent with the now revised zoning map and Comprehensive Plan land use map. It is very uncommon for the text of the development regulations to

indicate extent of a zoning designation. Commonly zoning designations are established through the adoption of a zoning map, together with code language ([MICC 19.01.040](#)) related to the interpretation of the zoning map. Mercer Island has used this approach for all other zoning designations. To eliminate the inconsistency between the code, zoning designation, and the Comprehensive Plan's land use map, the code amendment will remove the language contained in 19.05.010(B).

### Process

On September 30, 2019, the City issued a Notice of Public Hearing for the Planning Commission's public hearing scheduled on October 30, 2019. As of the drafting of this memo, the City has received one public comment related to the proposed code amendment. On October 14, 2019, the City issued a SEPA Determination of Non-Significance and transmitted a copy of the proposed code amendment to the Department of Commerce for expedited review.

### Code Amendment

Code amendments must follow the process and criteria described in MICC 19.15.250. This code section contains three criteria, each of which must be met for the city to approve a proposal to amend the code. The criteria, together with a discussion of how the proposed minor code amendments meet them, are discussed below:

#### *Criterion #1: The amendment is consistent with the comprehensive plan;*

The proposed amendment results in development regulations that are consistent with the adopted Future Land Use map contained in the Land Use element of the Mercer Island Comprehensive Plan. The proposed amendment also resolves a conflict between the adopted zoning map and the text of the development regulations.

#### *Criterion #2: The amendment bears a substantial relation to the public health, safety, or welfare;*

The proposed code amendments resolve an inconsistency between the Comprehensive Plan and the existing code, which is in place to protect public health, safety and welfare.

#### *Criterion #3: The amendment is in the best interest of the community as a whole.*

The proposed code amendments eliminate an inconsistency between the Mercer Island Comprehensive Plan and the existing code. It is in the best interest of the community to resolve these inconsistencies and comply with applicable statutes.

### **NEXT STEPS**

Staff anticipates that following the public hearing on October 30, 2019, the Planning Commission will make a recommendation on this code amendment. Consequently, staff requests the following:

1. Please review the draft code amendment language and identify any clarifying questions that staff should address.
2. Please be prepared to consider any public comment.
3. Please consider your recommendation to the City Council.

### **ATTACHMENTS**

1. Draft code amendment (ZTR19-002)

# ZTR19-002: Public Institution Code Amendment

October 2, 2019

“Normal Text” is existing code language  
“~~Strikethrough Text~~” is existing code language that will be deleted  
“Underline Text” is new code language that will be added  
“...” indicates that existing code language is omitted and will not be amended

## 19.05.010 Public institution – PI.

### A. *Uses Permitted.*

1. Government services.
2. Public schools under the administration of Mercer Island School District No. 400 subject to the requirements in subsection F of this section. Subsections B, C and E of this section do not apply to public schools. Uses other than public schools located on land owned by the Mercer Island School District shall comply with applicable provisions of Chapter 19.02 MICC.
3. Public park.
4. Transit facilities including transit stops and associated parking lots.
5. On-site hazardous waste treatment and storage facilities are allowed as accessory uses to a use permitted in this zone. These facilities shall comply with the state siting criteria as set forth in Chapter 173-303 WAC.
6. Wireless communications facilities subject to the conditions set out in MICC 19.06.040.

~~B. Mercer Island I-90 Right-of-Way Added to Public Institution Zone. The entire area within the Mercer Island I-90 right-of-way, including, but not limited to, the roadway, street overcrossings, lids, open space, recreation areas, linear greenbelts and the park-and-ride lot area as approved by the city on November 14, 1983, and incorporated in the right-of-way plan approved by WSDOT on May 1, 1987, shall be part of the public institution zone. All uses within the I-90 right-of-way shall be maintained as set forth in city-approved I-90 related documents.~~

CB. Design Requirements. Any development within the public institution zone shall comply with the applicable sections of Chapter 19.11 MICC, Town Center Development and Design Standards.

CD. Parking Requirements. All uses permitted in this zone shall comply with the parking requirements set out in MICC 19.05.020.

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