



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6270
May 16, 2023
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6270: Development Code Amendment – Business Zone Permitted Uses – First Reading of Ordinance No. 23C-08	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Set second reading of Ordinance No. 23C-08 for June 6, 2023.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, CPD Director Alison Van Gorp Deputy CPD Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Planning Commission Recommendation 2. Staff Memos dated February 15, 2023, and March 16, 2023 3. Ordinance No. 23C-08
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to transmit the Planning Commission’s recommendation on a code amendment to [MICC 19.04.050](#) that would permit public and private schools in the Business Zone.

- The Planning Commission reviewed the proposed code amendments and prepared a recommendation for City Council consideration (Exhibit 1).
- After reviewing the staff memos dated February 15, 2023, and March 16, 2023 (Exhibit 2) and holding a public hearing on [March 22, 2023](#), the Planning Commission recommended the proposed code amendment as presented in draft Ordinance No. 23C-08 (Exhibit 3).
- The proposed code amendment would allow schools in the Business Zone subject to development standards including setbacks, screening, and provision of a playfield.

BACKGROUND

The proposed code amendment was brought forward on behalf of Herzl Ner-Tamid as part of the annual docket process in the fall of 2021. The docket request proposed an amendment to [MICC 19.04.050 Business – B](#) to add public and private schools to the list of permitted uses in the Business Zone. The City Council added this proposal to the final docket and the CPD work program with the approval of [Resolution No. 1615](#) on December 7, 2021. The proposal was assigned file number ZTR22-001.

Legislative Review Process

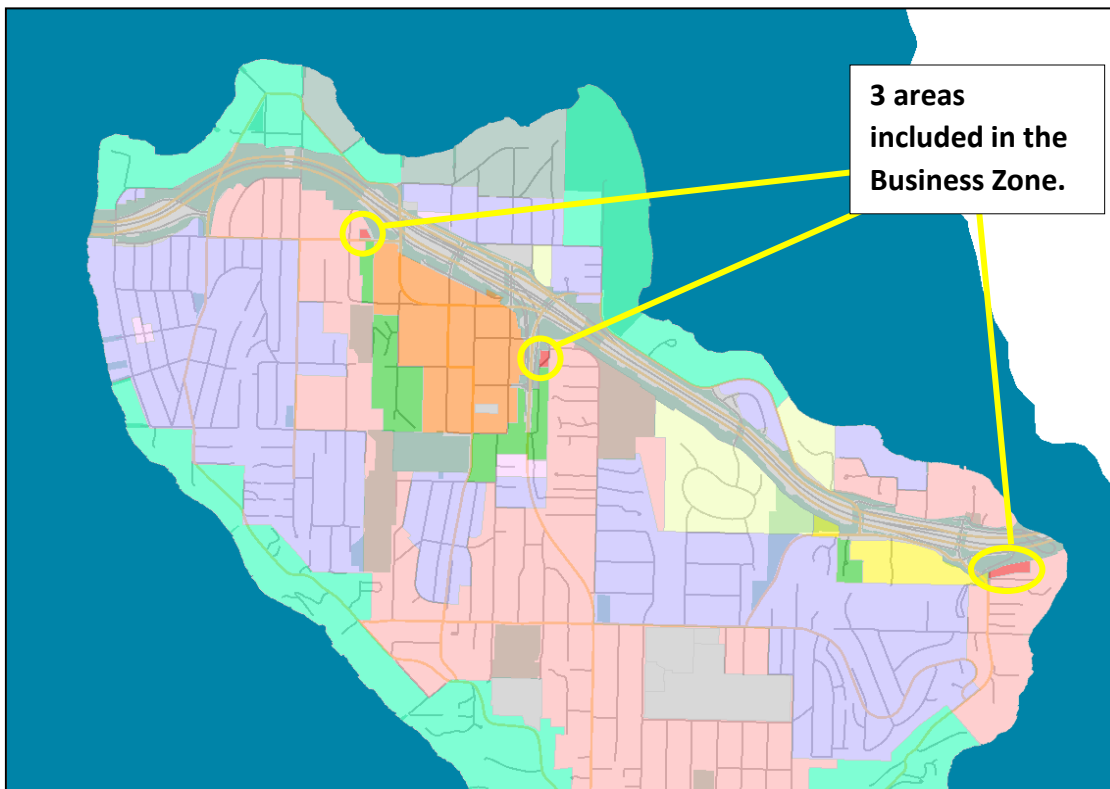
The Planning Commission first discussed and provided initial feedback on ZTR22-001 at their meeting on [February 22, 2023](#). Staff prepared a draft code amendment based on this initial feedback.

The Planning Commission held a public hearing on ZTR22-001 on March 22, 2023. Notice of the Planning Commission public hearing was published in the *Mercer Island Reporter* on February 15, 2023 and in the CPD Weekly Permit Bulletin on February 13, 2022. The WA Department of Commerce was notified of the intent to adopt development code amendments on March 30, 2023. A State Environmental Policy Act (SEPA) determination of non-significance was issued on April 3, 2023, and the project was assigned SEPA register file number 202301507. The SEPA determination comment period was open from April 3 to 17, 2023; no comments were received.

MICC 19.04.050 Business – B

[MICC 19.04.050](#) establishes the permitted uses and other zoning regulations for the Business Zone (B Zone). The B Zone currently permits a variety of commercial uses, including restaurants, retail, offices, hotels, theaters, service stations, preschools and daycares, but does not allow public or private K-12 schools. Three areas in Mercer Island are included in the B Zone; all are located just to the south of I-90, with two being adjacent to the Town Center Zone and one being on a portion of the Herzl Ner-Tamid properties and an adjacent Puget Sound Energy (PSE) property near the eastern tip of the Island, as shown in Figure 1 below.

Figure 1: Zoning Map for Northern Mercer Island



ISSUE/DISCUSSION

Planning Commission Recommendation

This matter first came before the City of Mercer Island Planning Commission on February 22, 2023. The Planning Commission held an open record public hearing on March 22, 2023. Two public comments were received during the public hearing on this amendment (see the [March 23 meeting minutes](#)). The Planning

Commission also considered the staff memos dated February 15, 2023, and March 16, 2023, in making its recommendation (Exhibit 2).

Ordinance No. 23C-08

The Planning Commission recommended code amendments as summarized below and included in Ordinance No. 23C-08 (Exhibit 3) would amend the list of permitted uses in MICC 19.04.050 to add public and private schools, subject to design review and development standards including setbacks, screening, and provision of a playfield, as detailed below. The addition of development standards is intended to mitigate impacts to neighboring land uses by requiring larger setbacks and screening requirements. In addition, a playfield is required consistent with other zones throughout the City that allow private schools.

3. Public and private schools accredited or approved by the state for compulsory school attendance, subject to design review as specified MICC 19.12.010 (D), and the following conditions:

a. Setbacks

- i. a setback of 35 feet is required from property lines that abut single-family zones.
- ii. a setback of 30 feet is required from public rights of way.
- iii. a setback of 15 feet is required from public parks.
- iv. Setbacks are not required on internal property lines.

b. Screening. Along property lines abutting rights of way, public parks, and single-family zoning, a landscaped area at least ten feet wide must provide a partial visual barrier to adjacent properties and rights of way. The screening shall be composed of a combination of trees, bushes, and groundcover that produce an eight-foot-tall visual barrier in all seasons within three years of planting. A minimum of one tree for every 20 feet of landscape perimeter length must be provided. Screening is not required on internal property lines.

c. Playfield. A one-fourth acre or larger playfield, play surface or open space shall be provided in one usable unit. The playfield may be located on an adjacent lot.

These proposed amendments are consistent with the Comprehensive Plan. The B Zone is included in the [Commercial Office](#) land use designation in the Comprehensive Plan, which calls for the predominate land use to be commercial office with complimentary uses to include, for example, healthcare, schools and places of worship. As such, the proposed code amendment is consistent with the Commercial Office land Use designation in the Comprehensive Plan because schools are supported in this area as a complimentary use to commercial office.

If these amendments are adopted as recommended, schools would be allowed in the B Zone by right. An application for a school in the B Zone would be reviewed for consistency with the proposed standards during review of the building permit. Applications for schools would not require a separate land use permit (such as a conditional use permit).

NEXT STEPS

If adopted, Ordinance No. 23C-08 would enable property owners in the Business Zone to propose development that includes school uses within the zone.

RECOMMENDED ACTION

Set second reading and adoption of Ordinance No. 23C-08 for June 6, 2023.