
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: Planning Commission
From: Evan Maxim, Director
Date: September 26, 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.

BACKGROUND

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).

The GMHB has established a deadline of January 7, 2020 to address the inconsistency identified in their decision. The proposed code amendment is subject to the standard process for amending the City's code, which includes a public hearing and recommendation by the Planning Commission, and a review and action by the City Council. Given the short timeline established by the GMHB, staff have proactively scheduled the public hearing for this proposed code amendment for October 30, 2019. A notice of the public hearing will be issued on September 30, 2019.

NEXT STEPS

Staff anticipates that following review on October 2, 2019 and 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)