

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Reconsideration of the City's Development Code for Commercial Design Standards as it Pertains to the Transition Area Setback Amendment. (Shoreline Municipal Code Chapter 20.50.021(a))
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Rachael Markle, Director Paul Cohen, Planning Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The purpose of tonight's meeting is to discuss possible reconsideration of a portion of Ordinance No. 654 pertaining to the setback for buildings in commercial zones in transition areas (SMC 20.50.021(a)) when across the street from R-4, R-6, and R-8 zones.

On March 18, 2013 the Shoreline City Council adopted the commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended transition area amendments that the Council discussed, moved to change, and approved regarding development standards for transition areas between commercial zones and single family zones, and more specifically, the initial building setback from the property line when across the street from single family zones (R-4, R-6, R-8). The Commission's recommendation was a 15-foot setback that was consistent with the Town Center District standards. The Council moved and adopted a change to that setback. The Council adopted a required setback, which when using the dimensional chart, is 0 feet.

In consultation with the City Attorney, it is not possible to simply go back and amend the code that was just adopted. These legislative decisions must go through the Planning Commission, who is responsible for holding the open record public hearing on the proposed code and making a recommendation to the City Council. This staff report provides the alternatives available for Council to consider.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

RECOMMENDATION:

Council should review the amendment and discuss the alternatives available for Council consideration. Staff is recommending that Council make no change and leave the code amendments as adopted on March 18, 2013 in Ordinance No. 654.

Approved By: City Manager **JU** City Attorney **IS**

BACKGROUND

On March 18, 2013 the Shoreline City Council adopted the commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended transition area amendments that the Council discussed, moved to change, and approved regarding development standards for transition areas between commercial zones and single family zones, and more specifically, the initial building setback from the property line when across the street from single family zones (R-4, R-6, R-8). The Commission's recommendation was a 15-foot setback that was consistent with the Town Center District standards. The Council moved and adopted a change to that setback. The Council adopted a required front yard setback (SMC 20.50.020(2)), which when using the dimensional chart, is 0 feet.

Council Action as Summarized in the Adopted Minutes

Councilmember Hall moved adoption of Ordinance No. 654. Councilmember Roberts seconded the motion. Councilmember Hall proposed an amendment to SMC Chapter 20.50.021 relating to transition area requirements. Following discussion of the proposed change, Councilmember Hall withdrew the amendment to allow action on other amendments.

Councilmember Hall moved to strike the Planning Commission recommended code language in SMC Chapter 20.50.021, Transition Areas, and insert the following: "Development in commercial zones; NB, CB, MB, and TC1, 2 & 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements: 1. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional ten feet in height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for ten feet horizontally from the required building setback, then an additional ten feet of height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet, up to the maximum height allowed in the zone." Councilmember Roberts seconded the motion.

There was Council discussion and questions regarding the merits of the proposed change. Following discussion, a vote was taken on the motion, which carried 6-1, with Councilmember Salomon dissenting.

See Attachment A for a diagram comparing Planning Commission's recommendation and Council's adoption.

Adopted Code Language

1. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional ten feet in height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet up to the maximum height of the zone. *From across street rights-of-way, a 35-foot maximum building height for ten feet horizontally from the required building setback (as adopted in the dimensional chart SMC 20.50.020(2)), then an additional ten feet of height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet, up to the maximum height allowed in the zone.*

DISCUSSION

Survey of Affected Properties

Staff has reviewed the City's parcel maps to identify how many parcels this provision will affect. Staff found 85 parcels of R-6, R-4, and R-8 property that each average about 100 lineal feet of frontage and which are across streets from commercial zoned property. While many of these parcels are peppered throughout the City, a significant amount of them are on Linden in Town Center and on Dayton near the Washington State Department of Transportation property.

Citizen Concerns

Since the code amendment adoption, some citizens, who live in Town Center, have expressed concerns regarding the change. Some of these same citizens are also concerned about the proposed Ronald Commons project, which is an affordable housing, food bank and community service development proposed on Linden Avenue, on the north side of the Ronald Methodist Church. There is no application for this project yet; however, the development team has informed staff that they plan to submit a binding site plan soon.

ALTERNATIVES

In consultation with the City Attorney, it is not possible to simply go back and amend the code that was just adopted. These legislative decisions must go through the Planning Commission, who is responsible for holding the open record public hearing on the propose code and making a recommendation to the City Council. Alternatives for the Council to consider include:

- **No Change** – Make no change and leave the code amendment as adopted on March 18, 2013 in Ordinance No. 654.
- **Code Amendment Process** – There are two possible paths to amend the code:
 1. *Routine Code Review & Amendment Process* – Direct staff to revisit the specific amendment with the Planning Commission. This would include a public hearing, discussion, and recommendation from the Planning Commission to return to Council. The timeline for this returning to Council would be late 2013/early 2014.
 2. *Six-Month Moratorium with Interim Regulation* – Adopt a moratorium for the one provision regarding commercial zone building setbacks that are across the street from R-4, R-6, and R-8 with interim regulations. For the interim regulation staff recommends that the Council adopt the Planning Commission's recommendation of 15-foot setback for all commercial zones.

The staff recommends the no change alternative.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

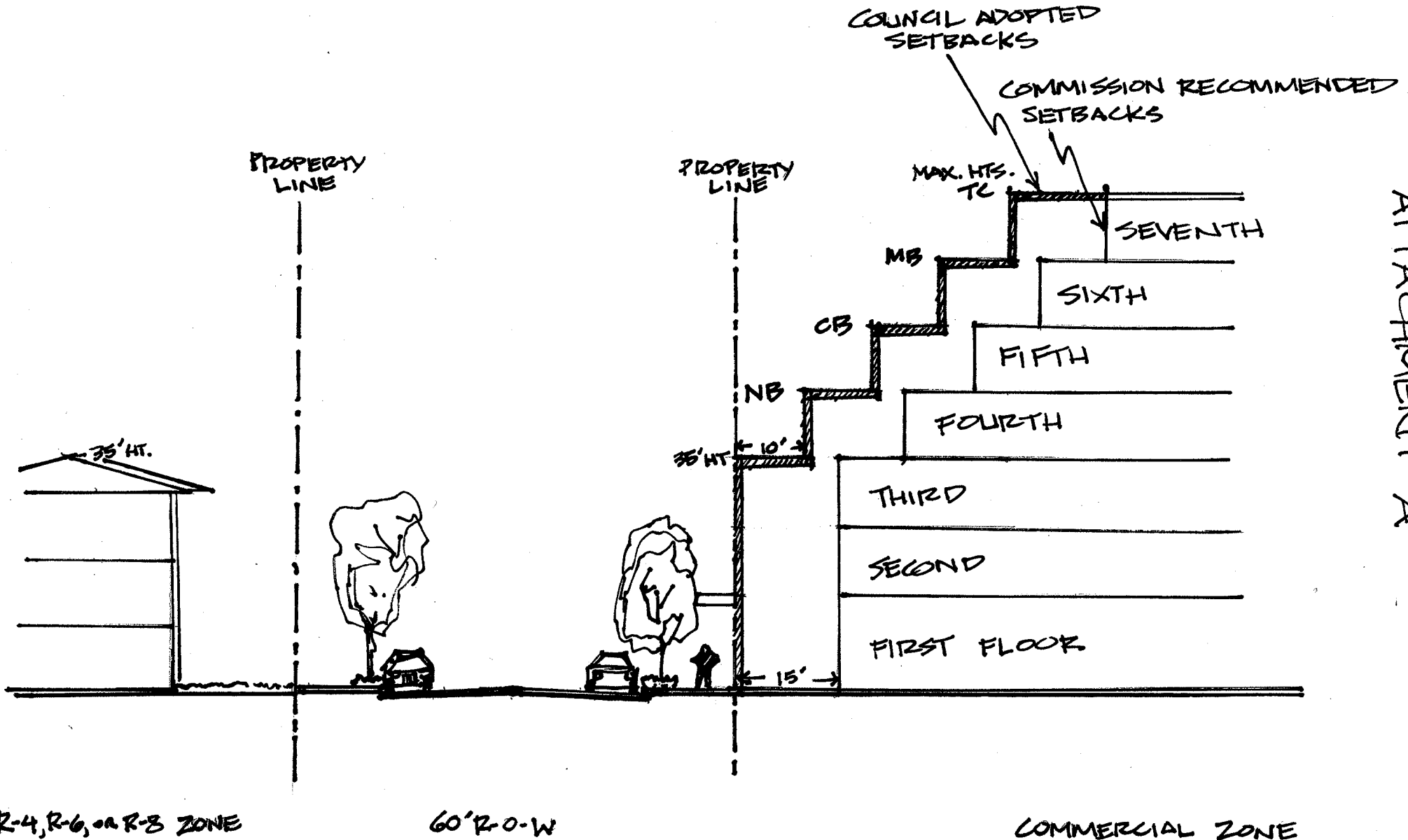
RECOMMENDATION

Council should review the amendment and discuss the alternatives available for Council consideration. Staff is recommending that Council make no change and leave the code amendments as adopted on March 18, 2013 in Ordinance No. 654.

ATTACHMENT:

Attachment A – Comparison of Planning Commission Recommendations and Council Adoption

COMPARISON OF P.C. RECOMMENDATIONS + C.C. ADOPTION



ATTACHMENT A