



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (First Floor Conference Room), or virtually by using the meeting access link below.

Join Zoom Meeting

<https://sumnerwa-gov.zoom.us/j/8970321699>

Meeting ID: 897 032 1699

One tap mobile

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Cindi Hochstatter, Curt Brown, Charla Neuman, Pat Cole (Alternate)

COMMITTEE MEMBERS

COMMITTEE BUSINESS

1. Zoning Code Text Amendment: Medium Density Residential/ESUZ Accessory Parking

REPORTS

1. Permits Report

ADJOURNMENT

SUBJECT: Zoning Code Text Amendment: Medium Density Residential/ESUZ
Accessory Parking

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. MDR_Prkg-Code-StaffReport-FINAL-012523
2. ExhA-MDR_Parking-Ordinance-2848-012523

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

The Planning Commission approved a recommendation to update regulations in the Zoning Code (SMC 18.30) to allow up to 25% of the parking required for a Neighborhood Commercial/East Sumner Urban Village (NC/ESUV) use to locate within abutting Medium Density Residential/ESUV zoned property to accommodate retail, restaurants, and eating and drinking establishments. There is no project associated with this proposed code update at this time.

COUNCIL COMMITTEE/STUDY SESSION:
MEETING/STUDY SESSION DATE: 1/25/2023
COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to recommend approval by the City Council of Ordinance No. 2848 amending the Zoning Code regarding accessory parking in MDR/ESUV zone.



STAFF REPORT

DATE: January 24, 2023
TO: City Council Community Development Committee
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendment – Accessory Parking and Landscaping in Medium Density Residential/East Sumner Urban Village (MDR/ESUV) Zone**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In August 2022, the City received a request from a property owner in the East Sumner Neighborhood to convert an existing house to a restaurant. The East Sumner Neighborhood Plan envisions this area having restaurants and other services within walking distance of a rapidly growing residential area. There are around 550 apartments planned in this area over the next 5 years and a restaurant use would be a welcome addition. The property contains a split zoning with Neighborhood Commercial/East Sumner Urban Village (NC/ESUV) fronting the street and the rear one third of the property is zoned Medium Density Residential/East Sumner Urban Village (MDR/ESUV). The restaurant site plan would need to have a portion of the parking lot located in the MDR/ESUV zone, which is a prohibited use at this time. There are also other lots in a similar situation with NC/ESUV on the front and MDR/ESUV in the back. To facilitate these sites developing, the Zoning Code should be amended to allow for an exception in the MDR/ESUV zone for accessory parking from adjacent NC/ESUV uses.

II. DESCRIPTION OF PROPOSAL

The Zoning Code Text Amendment includes the following:

- A. **Accessory Parking Exception.** This amendment would create an exception for accessory parking for adjacent NC/ESUV zone to be accommodated in the MDR/ESUV zone within the East Sumner Neighborhood. The parking area allowed in MDR/ESUV zone would be limited to no more than 25% of the total number of parking spaces for the land use and it would be no more than 100 feet from the NC/ESUV use. The intent is that this would be a limited exception for certain properties and not have an impact throughout much of the City. There are less than 10 properties within the City that would qualify for this exception.
- B. **Landscaping and Pedestrian Amenities.** This amendment would create an exception for up to 50% of the area of required landscaping and pedestrian amenities for NC/ESUV to be located on adjacent MDR/ESUV zoned property.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below. Further, the proposal is consistent with the purpose of the

East Sumner Neighborhood Plan where policy state: *"The design of both commercial and residential development should follow a neighborhood friendly scale, use high quality materials, and provide pedestrian amenities along street fronts."*

LAND USE ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for establishing land uses in appropriate areas. Goals to minimize incompatibility between land use types while allowing for a mix of land uses would be met. Further, the proposal is consistent with the following specific policies:

- 1.1 *Ensure... appropriate transitions so that more intensive uses do not adversely impact adjacent uses.*
- 1.1.1 *Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.*
- 1.1.2 *Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.*

ECONOMIC DEVELOPMENT ELEMENT

The proposal is consistent with the overall intent of the Economic Development Element as it would support a pedestrian oriented and neighborhood businesses that would add planned for services for retail, restaurants, and eating and drinking establishments. Further, the proposal is consistent with the following specific policies:

- 1.0 *Seek and maintain a strong and diverse economy with a variety of different types and sizes of business, industry and employment.*
- 1.1 *Provide adequate land for different kinds of businesses and development to support this element.*

COMMUNITY CHARACTER ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for maintaining community character and consistent with the vision in the East Sumner Neighborhood Plan. Goals to minimize incompatibility between land use types while allowing a range of land uses would be met. Further, the proposal is consistent with the following specific policies:

- 1.2 *Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 1.5 *Encourage in the community a continuous commitment to maintaining Sumner's character and quality of place, including land conservation and stewardship, wise management of streetscapes and public viewsheds, property maintenance, and historic preservation.*

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would promote the economic vitality and prosperity of Sumner. It is also consistent with the purpose of the East Sumner Neighborhood plan and reduces conflicts with adjacent multi-family residential uses in MDR/ESUV zones by limiting the maximum parking area to 25 percent of the required parking for the adjacent commercial use and requiring the parking to be within 100 feet of said use. Further, screening requirements remain in place for developments occurring between residential and commercial zones. The proposed amendment includes performance standards to minimize impacts to surrounding and future residential properties, thereby maintaining community character, and protecting the public safety and welfare.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on December 16, 2022.

V. PUBLIC & AGENCY COMMENT

No public or agency comments have been received since the publication of this report.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission voted unanimously on a recommendation to approve on January 5, 2023.

VIII. EXHIBITS

A. Ordinance No. 2848- Amending the Zoning Code

ORDINANCE NO. 2848
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING CODE REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL ZONE WITHIN THE EAST SUMNER URBAN VILLAGE AS IT RELATES TO ADJACENT ACCESSORY PARKING AND LANDSCAPING AND CHAPTER 18.30 AND AMENDING SECTION 18.30.030.

WHEREAS, the Sumner Municipal Code allows uses in the Neighborhood Commercial zone within the East Sumner Urban Village overlay that include restaurants and other retail and commercial uses that require accessory parking; and

WHEREAS, the Neighborhood Commercial/East Sumner Urban Village (NC/ESUV) zone generally has a shallow depth as measured from the street, creating limited area for development on single small parcels; and

WHEREAS, to promote services such as pedestrian oriented retail and eating and drinking establishments, adequate parking must be provided; and given the NC/ESUV zone is narrow, and often single parcels have a split zoning, it is necessary to allow a portion of the accessory parking for NC/ESUV uses to be located within the adjacent Medium Density Residential/East Sumner Urban Village (MDR/ESUV) zone; and

WHEREAS, the MDR/ESUV zone allows for accessory parking for residential uses, and that any new parking lot would be required to maintain proper landscaping and screening thereby mitigating adverse impacts associated with the is accessory commercial parking; and

WHEREAS, Pedestrian amenities and open space is required in the City Design and Development Guidelines for both commercial and residential developments and these types of spaces do not create noise, light, glare or other impacts and would be compatible within either a commercial or residential development; and

WHEREAS, the vision for the East Sumner Neighborhood Plan includes restaurants, and other types of uses and mixed use zones where residential is in close proximity, and in some cases constructed over commercial uses, the accessory parking with in the MDR/ESUV would be consistent with the ESNP; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on January 5, 2023 on the proposed amendments; and

WHEREAS, on January 5, 2023 the Planning Commission voted by a 7-0 vote to recommend adoption by the City Council of the proposed allowable use updates to the Zoning Code as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on December 22, 2022; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Zoning Code text amendments and the Comprehensive Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. That Paragraph A, Section 18.30.030 of the Sumner Municipal Code is hereby amended to read as follows:

“18.30.030 Principal and conditional uses.

A. Residential Districts. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR districts, except that:

1. Apartments and multifamily residential uses are allowed as a permitted principal use in the ESUV/MDR and ESUV/HDR districts;

2. Senior housing may be allowed only through a planned residential development, pursuant to chapter 18.24 SMC; ~~and~~

3. Professional offices and services shall not be allowed in the ESUV/MDR or ESUV/HDR district as a conditional use;

4. Accessory parking for retail and eating and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR zone provided that the portion of the accessory parking within the ESUV/MDR zone is located no more than 100 feet from said use and is no more than 25 percent of the total required parking stalls for said use; and

5. Landscaping, pedestrian amenities and open spaces as required for a retail and eating and drinking establishments within the NC/ESUV zone may be allowed within the adjacent ESUV/MDR up to 50 percent of the total required area.”

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of _____, 2023.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:



PERMIT ISSUANCE SUMMARY (01/01/2022 TO 05/23/2022) FOR CITY OF SUMNER

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
Building Commercial/Industrial	Accessory Structure	1	0	\$0.00	\$680.08
	Addition	1	770	\$50,334.90	\$1,329.30
	Demolition	2	0	\$200,000.00	\$5,845.00
	Industrial Fence	3	280	\$10,000.00	\$0.00
	New Construction	3	10,414	\$1,203,831.70	\$270,158.53
	Tenant improvement	20	894,885	\$6,533,735.56	\$204,194.10
	Wireless facility	5	35	\$170,000.00	\$4,127.73
BUILDING COMMERCIAL/INDUSTRIAL TOTAL:		35	906,384	\$8,167,902.16	\$486,334.74
Building Residential	Addition	2	560	\$233,064.80	\$12,318.14
	Alteration, Remodel, Repair	4	250	\$299,000.00	\$4,688.90
	Concrete Work	2	1,530	\$18,000.00	\$488.00
	Demolition	4	1,136	\$34,000.00	\$2,887.00
	New Construction	1	2,002	\$320,908.66	\$28,301.06
BUILDING RESIDENTIAL TOTAL:		13	5,478	\$904,973.46	\$48,683.10
Fire Permits	Emergency Radio Responder	4	0	\$2,700.00	\$190.34
	Fire Alarm	13	0	\$336,886.25	\$6,856.53
	Fire Sprinkler	13	0	\$670,191.87	\$10,121.84
	Fire Suppression	1	0	\$2,500.00	\$137.36
FIRE PERMITS TOTAL:		31	0	\$1,012,278.12	\$17,306.07
Landscape Irrigation	Landscape Irrigation - Residential	1	0	\$0.00	\$125.00
LANDSCAPE IRRIGATION TOTAL:		1	0	\$0.00	\$125.00
Mechanical Commercial/Industrial	Alteration, Remodel, Repair	14	0	\$0.00	\$2,244.25
	New Construction	5	0	\$0.00	\$523.75
MECHANICAL COMMERCIAL/INDUSTRIAL TOTAL:		19	0	\$0.00	\$2,768.00
Multifamily Building Permit	New Construction	1	3,906	\$679,376.58	\$18,984.73
MULTIFAMILY BUILDING PERMIT TOTAL:		1	3,906	\$679,376.58	\$18,984.73
Plumbing Commercial/Industrial	Alteration, Remodel, Repair	8	0	\$0.00	\$1,574.60
	New Construction	2	0	\$0.00	\$1,217.20
PLUMBING COMMERCIAL/INDUSTRIAL TOTAL:		10	0	\$0.00	\$2,791.80
Plumbing Residential	Alteration, Remodel, Repair	5	0	\$0.00	\$177.45
PLUMBING RESIDENTIAL TOTAL:		5	0	\$0.00	\$177.45
Racks	Installation/Addition/Relocation	6	0	\$587,893.00	\$10,363.28
RACKS TOTAL:		6	0	\$587,893.00	\$10,363.28
Re-Roof	Commercial/Industrial	2	0	\$385,750.00	\$4,999.51
	Multifamily	1	0	\$375,000.00	\$2,540.25
	Residential	7	0	\$81,150.00	\$1,470.55
RE-ROOF TOTAL:		10	0	\$841,900.00	\$9,010.31

* Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.

PERMIT ISSUANCE SUMMARY (01/01/2022 TO 05/23/2022)

Permit Type	Permit Work Class*	Permits Issued	Square Feet	Valuation	Fees Paid
Residential Mechanical	Alteration, Remodel, Repair	44	0	\$0.00	\$1,771.85
RESIDENTIAL MECHANICAL TOTAL:		44	0	\$0.00	\$1,771.85
Residential Pool	In Ground	1	0	\$40,000.00	\$1,520.54
RESIDENTIAL POOL TOTAL:		1	0	\$40,000.00	\$1,520.54
Sewer Line Permit	Side Sewer Installation	20	0	\$0.00	\$194,589.04
	Side Sewer Replacement	8	0	\$0.00	\$1,080.00
SEWER LINE PERMIT TOTAL:		28	0	\$0.00	\$195,669.04
Sign	Sign	6	0	\$0.00	\$294.00
SIGN TOTAL:		6	0	\$0.00	\$294.00
Site Development	Civil Site Development	1	0	\$0.00	\$11,581.80
	TESC	2	0	\$0.00	\$7,971.36
SITE DEVELOPMENT TOTAL:		3	0	\$0.00	\$19,553.16
Special Events	Banner	1	0	\$0.00	\$175.00
	Special Event	1	0	\$0.00	\$230.00
SPECIAL EVENTS TOTAL:		2	0	\$0.00	\$405.00
Street Obstruction Notification	Street Obstruction Notification	47	0	\$0.00	\$10,340.00
STREET OBSTRUCTION NOTIFICATION TOTAL:		47	0	\$0.00	\$10,340.00
Temporary Use Permits	Firework Stand	1	0	\$0.00	\$50.00
	Temporary Tent	1	0	\$0.00	\$149.00
	Temporary Use Authorization	1	0	\$200,000.00	\$30.00
TEMPORARY USE PERMITS TOTAL:		3	0	\$200,000.00	\$229.00
Water Meter Install	Water Meter Installation	1	0	\$0.00	\$9,196.81
WATER METER INSTALL TOTAL:		1	0	\$0.00	\$9,196.81
GRAND TOTAL:		266	915,768	\$12,434,323.32	\$835,523.88

* Double-click the Permit Work Class Name while in the browser to see Permit details for that Work Class.