

PRELIMINARY
SUBJECT TO REVISION



Horace Hall of 4006 East Mercer Way said he was opposed to the relaxation of the setback requirement.

Byron Meyers of 3804 East Mercer Way said he felt the recreational tract would downgrade the neighborhood. He presented a letter, which was read for the record, written by Dr. James Bethel in 1971 to the Planning Commission in opposition to a request for a waterfront recreational tract. The letter expressed concern over having an institution for a neighbor because of uncontrollable membership and the problems inherent in that growth.

Barbara Showalter said her main concern centered about the two questions of how many people and what kinds of control.

Mr. Skolnik commented that the residential area would have better protection than if single family homes were to be built on the site, as the setback could be as little as five feet from the property line. He also noted that a majority of the residences abutting the property had been built after the construction of the temple.

Mrs. Meyers of 3804 East Mercer Way said she was concerned that in the future the facility would be expanded even further to include water use.

Mr. Piha reiterated that their intent was merely to improve what already existed.

Mr. Rosenwald elaborated on the landscape plan which he said was conceived to protect the neighbors by discouraging active play in the area adjacent to the homes. He said he thought there would be less activity after implementation of the plan, as there would be shrubs and plants in what was now essentially an open area.

The meeting was at this point closed to the public.

In response to Commissioner Clancy's question, Mr. Guillen stated the application was classified as an application for a non-commercial recreational tract upon Staff's opinion that many of the uses were recreational-type uses. He added that it would be possible for the applicant to come back before the Planning Commission and seek approval for individual improvements without creating a non-commercial tract.

Commissioner Bryant asked how often the site was used, what times of the year it was used, and what time of the day it was used. Mr. Guillen's reply was that it was used sporadically based upon information provided by Mr. Piha.

Commissioner Nelson asked if a new application would have to be approved before mooring buoys and other types of water equipment could be used. Mr. Guillen replied that the tract ended at the high water mark and thus the application did not include that portion of the property. He added that the Congregation could apply for use of the dock at a future time.

Commissioner Keever observed that the membership was bound to increase when the facilities were made more attractive. He went on to say that this main concern was the effects additional traffic would have on the bicyclists and joggers along East Mercer Way. He suggested the applicant be asked to provide bicycle and jogging paths to help mitigate the effects.

Commissioner Clancy said he felt it was not appropriate to grant a Conditional Use Permit "on top of" an existing conditional use of the property as a church in a residential neighborhood. He added that activities should be restricted to those related to the original conditional use. He went on to say that the circumstances of the applicant did not meet the criteria for a non-commercial recreational tract because the membership was not in any way limited.

Commissioner Bryant discounted the importance of definitions and added that in his opinion the primary issue was the use of the land. He said he did not believe development of the site would change the use. He suggested more plants be added along the south boundary to better shield the Showalters. He said in his opinion there was no way to control how the site was used whether or not the application was approved.

Commissioner Nelson said the two major issues in her opinion were traffic and potential waterfront use.

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Commissioner Copass said she felt very strongly that the dock should be removed so that there was no possibility the site could be used as a semi-private waterfront tract.

Commissioner Keever said he felt it would be reasonable to require the applicant to replace the fence, to provide bicycle and pedestrian paths, and to put up a bond.

Motion: Commissioner Clancy moved that the application be denied.

The motion was seconded by Commissioner Bryant and passed unanimously.

PUBLIC MEETING

- SWANSON-DEAN
Watercourse Deviation

Mr. Guillen explained that the address of the subject property in the Staff report had been transposed and the location of the site was the 4700 block rather than the 7400 block of 81st Avenue S.E. He noted that the vicinity map had reflected that error. He then presented the Staff report as outlined in the Staff Summary. He said that although there was a significant problem with flooding on Forest Avenue, that issue should not have bearing on the decision unless the watercourse deviation would actually affect the drainage problem. He concluded by saying that with proper storm water retention, the existing drainage problem would not be increased and that Staff recommended approval with the conditions as stated in the Recommended Motion.

Commissioner Keever asked if anyone present objected to the vicinity map being in error. Albert Perret of 4661 Forest Avenue S.E. said he objected on the ground that he did not have enough time to prepare for the meeting.

Al Swanson spoke as a proponent of the application. He said access from Forest Avenue would be very difficult and hoped the watercourse deviation would be granted to allow access from 81st.

Morgan Bates of 4651 Forest Avenue S.E. suggested that a guarantee bond for at least two years be required to protect property owners who might be affected.

Mr. Perret criticized the notification procedure and said he felt the Staff report should be made available further ahead of time. He asked if there were any guarantees that major groundwork be completed before the rainy season and that vegetation along the watercourse remain undisturbed. Mr. Guillen replied that the City required the work to be completed within the April to October time frame and that the only clearing which would be allowed within the setback area would be for utility purposes.

The meeting was at this point closed to the public.

Commissioner Bryant asked if the site was classified as a steep slope. Mr. Guillen replied that he was not certain but that even if it was not considered a steep slope the City Engineer would require soils testing and on-site water retention.

In response to Commissioner Copass' inquiry, Mr. Guillen clarified the intent of Condition 1 of Staff's Recommended Motion to offer the alternative of a tightline system from the property to Lake Washington or a storm water retention system.

Considerable discussion ensued concerning the significance of the inclusion of the incorrect location in the Staff Report. Mr. Guillen stated that he could not determine at that time if the legal notice in the Reporter had indicated the right address. He added that legal notification is not required for public meetings. Commissioner Clancy suggested going ahead on the assumption that a correct legal notice had been given and if they found out later it was incorrect they could reconsider. Commissioner Bryant said he felt unable to properly evaluate the application without having seen the property. Commissioner Copass reminded the Commission that the applicant also had rights, including the right to a timely decision. Commissioner Clancy indicated he did not feel he needed to see this particular property in order to evaluate the application.

BUSINESS OF THE CITY COUNCIL
City of Mercer Island, Wa.

APPEAL - HERZL NER TAMID

BILL NO. 807
DEPT. OF ORIGIN Community Development
DATE SUBMITTED July 5, 1979
FOR AGENDA OF July 9, 1979
CLASS: Minute Order

PROCEEDING:

SET A PUBLIC HEARING DATE TO HEAR AN APPEAL
BY THE HERZL NER TAMID SYNAGOGUE FROM A
PLANNING COMMISSION DECISION ON A CONDITIONAL
USE PERMIT APPLICATION

EXHIBITS: None
CLEARANCE: City Attorney

APPROVED BY CITY MANAGER
FOR SUBMITTAL *[Signature]*

EXPENDITURE REQUIRED: \$ N/A	AMOUNT BUDGETED: \$ N/A	APPROPRIATION REQUIRED: \$ N/A
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SUMMARY STATEMENT

On June 20, 1979 the Planning Commission denied a Conditional Use Permit application by the Herzl Ner Tamid Synagogue for the establishment of a Non-Commercial Recreational Area for a portion of the Herzl property. On June 29, 1979 a letter of appeal from Richard Chapin, counsel for the Herzl Ner Tamid was received asking for council consideration of the matter in a Public Hearing.

RECOMMENDED ACTION

David Guillen, Principal Planner

1. That the City Council set a Public Hearing date for July 23, 1979.
2. That the City Council set a Public Hearing date at the next available date, August 6, 1979.
3. That the City Council set an alternate date.