



TO: T.C. Broadnax, City Manager
FROM: Phyllis Macleod, Hearing Examiner *PHM*
COPY: City Council and City Clerk
SUBJECT: 14-0826– Rezone Request – September 23, 2014
DATE: September 8, 2014

SUMMARY:

An Ordinance approving the rezone of a 5.38 acre parcel from “R-2” Single-Family Dwelling District to “R-4-L” Low Density Multiple-Family Dwelling District to allow the construction of a 121-unit apartment complex at 1502 South Orchard Street.

COUNCIL SPONSORS:

N/A

STRATEGIC POLICY PRIORITY:

This action would support the strategic policy priority of fostering neighborhood, community, and economic development vitality and sustainability.

BACKGROUND:

The Applicant John Wise is seeking a rezone for a 5.38 acre site located on South Orchard Street near the SR-16 eastbound on-ramp. The site abuts SR-16 to the south and west. The parcel is currently undeveloped and contains a mix of trees, shrubs, and grass. The property is located within a mapped Wildlife Corridor area and near a segment of the Scott Pierson trail. A church with associated parking is adjacent to the north. To the east, across South Orchard Street and up a gradient, is a long standing residential area. The homes are oriented away from South Orchard Street. The rezone would change the current “R-2” Single Family Dwelling District to “R-4-L” Low Density Multiple-Family Dwelling District which would accommodate construction of a 121-unit apartment complex. Applicant Wise has developed other apartment complexes in the Pierce County area and indicates that he takes a very proactive approach in constructing and maintaining quality units.

Consistency with the Comprehensive Plan

The Comprehensive Plan identifies the project site and surrounding property as a “Medium Intensity” area. Medium intensity development includes medium density residential development as an anticipated use. The “R-4-L” zoning proposed for the site would be more consistent with the vision of a medium intensity area than the current “R-2” zoning. The specific proposal has a density well below the maximum for medium intensity residential developments which will minimize impacts on the neighborhood.

Changed Conditions

Significant changes have occurred in the area since the “R-2” zoning was placed on the site in 1953. The development of commercial, educational, and multi-family housing projects in the area and the construction of SR-16 have altered the larger neighborhood. Development has increased along South Orchard Street to the north and south of the site. Major expansions of Tacoma Community College (to the southwest of the site), development of multi-family housing along South 12th Street (to the north of the site), and construction of shopping centers along 6th Avenue (to the north of the site), have all occurred since the original zoning designation. The project site is located on a principal arterial and



adjacent to a state highway (SR-16). The proposed “R-4-L” zoning is in keeping with the transitions that have occurred in the immediate vicinity and the larger neighborhood.

Consistency with the District Establishment Statement

The “R-4-L” District Establishment Statement specifically states that the district is intended for low density multiple-family housing and that projects are generally located along major transportation corridors and between higher and lower intensity uses. The rezone request complies with the District Establishment Statement by proposing a low density multi-family project located on a transportation corridor and providing a transition between the residential neighborhood to the east and SR-16.

Relationship to the Public Welfare

The public health, safety, morals and general welfare component of a rezone focuses on the public interests set forth in the Tacoma Municipal Code (TMC) and the Comprehensive Plan. In this case, the proposed rezone furthers many of the interests expressed in adopted City Code and City policies. The long term vision for this property includes multi-family development as indicated by the Comprehensive Plan classification of “Medium Intensity.” The existing R-2 zoning is not consistent with the Medium Intensity designation. The City’s traffic policies and residential policies are further by locating a multi-family zone on a site with direct access to a principal arterial and nearby access to a state highway. The proposed development can be accomplished without reducing the level of service at nearby intersections and a left turn lane will be added to the entrance area to avoid disruption of through traffic on South Orchard Street. The low density housing will enhance residential options for citizens of the city and will provide a transition between single family uses and the SR-16 highway. The project will further City policies supporting the clean-up of arsenic and lead contamination in the soil. While the project would change the habitat available for wildlife on the property, any type of development would reduce habitat. A vegetated buffer is being incorporated into the project to provide linkage with nearby wildlife habitat.

Citizen Comments Opposing the Project

A number of citizens residing in the general area either appeared at the hearing and testified in opposition to the project or submitted written comments. The concerns expressed by neighbors included anticipated impacts from noise and light during construction. Many had experienced significant noise and light impacts during SR-16 highway construction projects. Other near-by residents were concerned that clearing the trees and vegetation on the site would eliminate the existing buffering of noise generated by SR-16. Neighbors were uneasy that property values would be reduced if the apartments are constructed and that crime in the area would rise. Citizens were worried that disturbing the contaminated soil could release dangerous particulate into the air. Wildlife habitat reduction and possible impacts on a bald eagle nest in the area were also raised as issues. Almost all of the citizens were convinced that traffic from the site would make a bad situation worse. They reported existing congestion on nearby streets and intersections, particularly during peak hours and many people specifically opposed the dedicated left-turn lane. Some neighbors thought too much development had occurred in the area and that an alternate type of use on the site would be preferable.



The evidence supported a conclusion that the rezone request met the required criteria in the TMC for approval. The new designation would bring the zoning into compliance with the Comprehensive Plan's characterization of the property. The concerns raised by the neighbors were sincere, but many of the impacts would be addressed by development standards and conditions placed on the rezone. The traffic situation was analyzed by professional engineers who concluded the level of service would not be diminished. The clean-up of arsenic and lead contamination would be a benefit to the area and would be undertaken in compliance with State Department of Ecology requirements. While the wildlife impacts cannot be eliminated, the TMC does not provide specific restrictions on development within the wildlife habitat area. More general concerns about the impact of multi-family development on property values and crime rates were unsubstantiated by evidence. Overall, the rezone, as conditioned, met the standards for approval.

ISSUE:

N/A

ALTERNATIVES:

The Council could deny the requested rezone and the project would not be permitted in the existing "R-2" zone, however, the project is consistent with the City's stated standards governing the approval of rezone requests and would bring zoning on the site into better compliance with the Comprehensive Plan.

RECOMMENDATION:

The Hearing Examiner recommends that the application be approved, subject to conditions.

FISCAL IMPACT:

N/A