



# ORDINANCE NO. 28901

1 AN ORDINANCE relating to land use and zoning; amending the Comprehensive  
 2 Plan Future Land Use Map for the Mor Furniture site, located at 1824 South  
 3 49th Street, to change from a Low-Scale Residential land use designation to  
 4 a General Commercial land use designation, and amending the Parks and  
 5 Recreation Facilities Map to remove the subject site, as part of the 2023  
 6 Amendment to the Comprehensive Plan and Land Use Regulatory Code.

7 WHEREAS the 2023 Annual Amendment to the One Tacoma  
 8 Comprehensive Plan and Land Use Regulatory Code (“2023 Amendment”)  
 9 includes the following six applications: (1) an amendment to the Future Land Use  
 10 Map in the One Tacoma Comprehensive Plan (“Comprehensive Plan”) for the Mor  
 11 Furniture site, (2) an amendment to the Land Use Regulatory Code (“Regulatory  
 12 Code”) pertaining to electric fences, (3) an amendment to the Regulatory Code  
 13 pertaining to shipping containers, (4) an amendment to the Regulatory Code  
 14 pertaining to delivery-only retail businesses, (5) an amendment to the Regulatory  
 15 Code pertaining to commercial zoning, and (6) minor amendments to the  
 16 Comprehensive Plan and Regulatory Code, and

17 WHEREAS this ordinance pertains to the land use designation change for  
 18 the Mor Furniture site, and was initiated by an application proposed by Wesco  
 19 Management, LLC (“Wesco”), which seeks to change the land use designation for  
 20 the 1.24 acre site located at 1824 South 49th Street from Low-Scale Residential to  
 21 General Commercial, which would allow Wesco to request a future site rezone and  
 22 apply for permits for commercial development of the site, in conjunction with four  
 23 parcels to the north that are zoned C-2 General Commercial, and  
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1           WHEREAS the Planning Commission (“Commission”) completed its review  
2 of the 2023 Amendment through an extensive and inclusive public engagement  
3 process, including a public hearing on April 5, 2023, and the Commission  
4 forwarded to the City Council, and filed with the City Clerk’s Office, the  
5 Commission’s Findings of Fact and Recommendations Report for the 2023  
6 Amendment along with a letter of recommendations, both dated May 17, 2023, and  
7

8           WHEREAS the report documents the public review and community  
9 engagement process and the Commission’s deliberations and decision-making  
10 concerning the six applications, and  
11

12           WHEREAS the subject site is currently designated Low-Scale Residential  
13 with an R-2 Single-Family Dwelling District, which would allow for future  
14 development of new residences on site, and  
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16           WHEREAS the subject site is adjacent to Interstate 5 and both the Planning  
17 Commission Findings and Recommendations Report and public testimony have  
18 highlighted the probable air quality impacts resulting from this close proximity to  
19 Interstate 5 on future residents on this subject site, and  
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21           WHEREAS the current land use designation and zoning district supports  
22 land uses which are incompatible with site location and conditions, and  
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24           WHEREAS the subject site is designated as an educational facility as part  
25 of the City of Tacoma park and recreation system as described in the Park and  
26 Recreation Element of the One Tacoma Comprehensive Plan, and



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WHEREAS the subject site was previously owned by the Tacoma School District and was surplused and sold to Wesco Management, LLC, removing the site from public ownership, and

WHEREAS pursuant to TMC 13.02.070.I.1, the City Council shall hold a public hearing before enacting any proposed amendments to the Comprehensive Plan and the TMC, and the City Council has fulfilled said requirement by conducting a public hearing on June 27, 2023, concerning all six applications for the 2023 Amendment, and

WHEREAS, Tacoma desires to increase the supply of housing, especially affordable housing, but considerations of human health should be included in the zoning and regulation of housing development, and the prior recording of that covenant shall be a condition any future rezone of the Mor Furniture site, and

WHEREAS, public testimony and information from other governmental agencies have raised community concerns around the compatibility of housing development closely adjacent to freeway corridors like Interstate 5, and

WHEREAS, the owner of the Mor Furniture site has offered to record a restrictive covenant on the property limiting the uses that may be developed on the site, which shall be a condition precedent to any future rezone of the Mor Furniture site, and

WHEREAS, the City Council hereby adds the following language to the One Tacoma Comprehensive Plan regarding the risks to human health where housing is



1 adjacent to freeways to provide guidance for future review of zoning and land use  
2 regulations; Now, Therefore,

3 BE IT ORDAINED BY THE CITY OF TACOMA:

4 Section 1. That the One Tacoma Comprehensive Plan is hereby amended  
5 to change the Future Land Use Map for the Mor Furniture site, located at 1824  
6 South 49th Street, from a Low-Scale Residential land use designation to a General  
7 Commercial land use designation, and further amending the Parks and Recreation  
8 Facilities Map to remove the subject site.

9 Section 2. That the recording of a restrictive covenant by the owner of  
10 the Mor Furniture site, substantially in the form of the Covenant attached to this  
11 Ordinance, shall be a condition precedent to any future rezone of the Mor  
12 Furniture site.

13 Section 3. That there is hereby added to the One Tacoma Comprehensive  
14 Plan, the following:

15 Policy UF-1.14: Due to the adverse air quality and noise impacts  
16 associated with Interstate 5 and State Route 16, avoid locating new  
17 higher density residential development in proximity to these rights-of-  
18 way. Where such residential use is located in proximity to Interstate 5  
19 and State Route 16, use building design and site design elements, such  
20 as setbacks and landscaped buffer areas, and other techniques, to  
21 mitigate the negative effects of air pollution and noise on residents.  
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Section 4. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

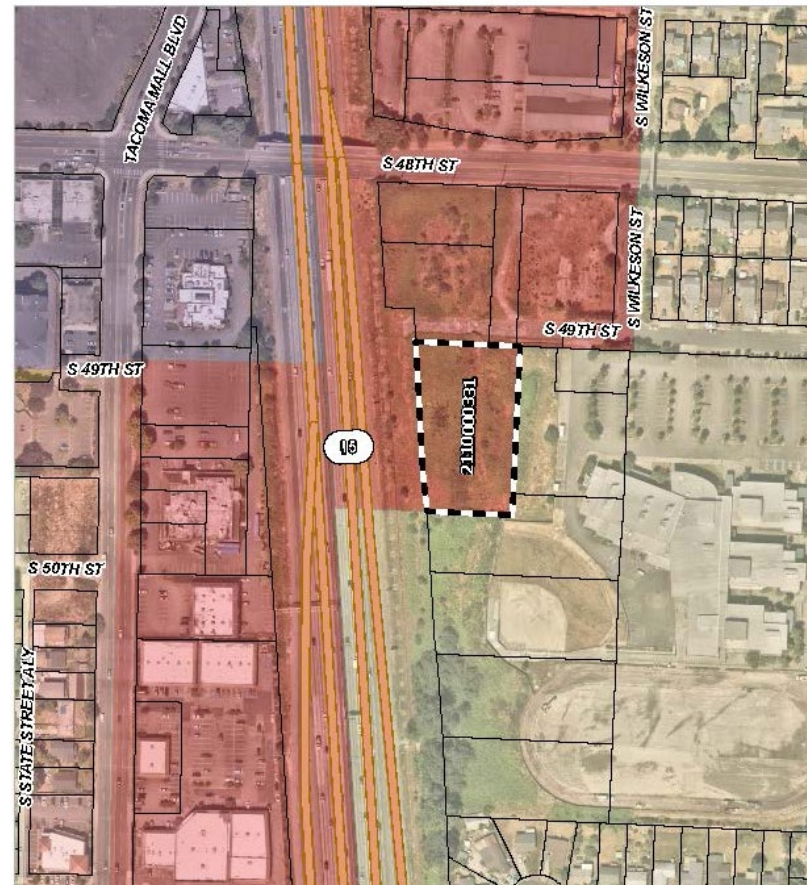
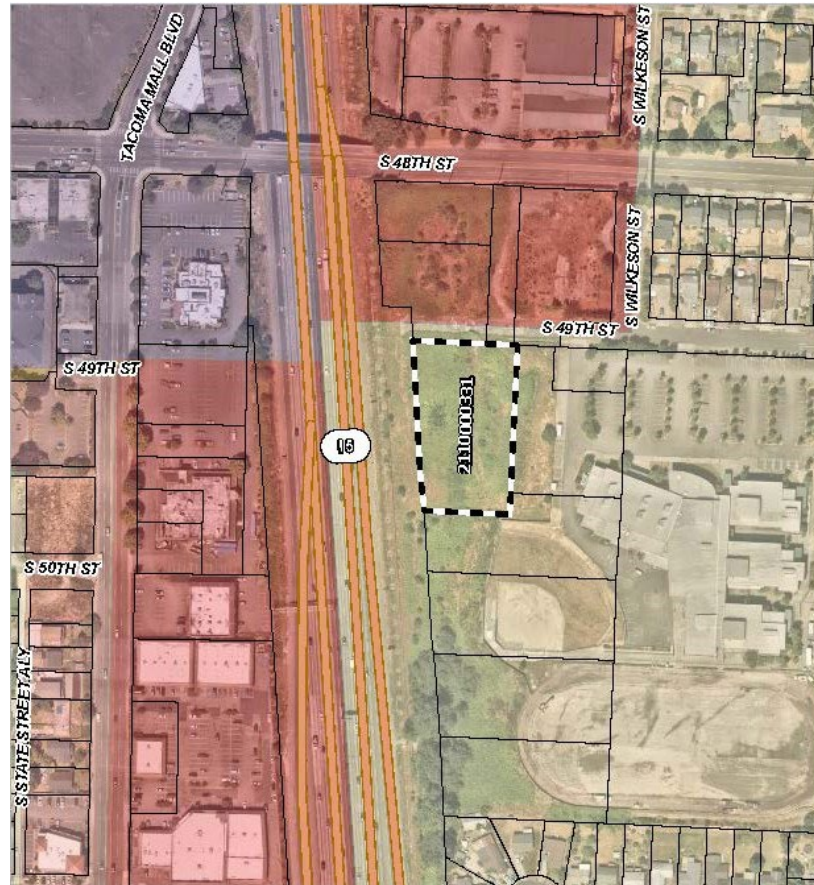
\_\_\_\_\_  
Deputy City Attorney

# 2023 Comprehensive Plan and Land Use Code Amendments Future Land Use Implementation (FLUM)

## EXHIBIT "A": Mor Furniture Land Use Designation Change

### CURRENT LAND USE DESIGNATION: LOW-SCALE RESIDENTIAL

### PROPOSED LAND USE DESIGNATION: GENERAL COMMERCIAL



#### Low-Scale Residential Designation Description:

Low-scale residential designations provide a range of housing choices built at the general scale and height of detached houses and up to three stories (above grade) in height... Low-scale residential designations are generally located in quieter settings of complete neighborhoods that are a short to moderate walking distance from parks, schools, shopping, transit and other neighborhood amenities... Qualities associated with low-scale residential areas include: Diverse housing types and prices, lower noise levels, limited vehicular traffic, moderate setbacks, private and shared open space and yards, street trees, green features, and complete streets with alleys.

#### General Commercial Designation Description:

This designation encompasses areas for medium to high intensity commercial uses which serves a large community base with a broad range of larger scale uses. These areas also allow for a wide variety of residential development, community facilities, institutional uses, and some limited production and storage uses. These areas are generally located along major transportation corridors, often with reasonably direct access to a highway. This designation is characterized by larger-scale buildings, longer operating hours, and moderate to high traffic generation.

#### APPLICANT:

Wesco Management LLC. (parent company of Mor Furniture)

#### SITE LOCATION:

1824 South 49<sup>th</sup> Street, Tacoma WA

#### AMENDMENT TYPE:

Comprehensive Plan Future Land Use Map Amendment

#### WHY IS THIS CHANGE PROPOSED?

The applicant, Wesco Management LLC., submitted an amendment application seeking a land use designation change at the subject parcel located at 1824 South 49<sup>th</sup> Street. The 1.24-acre subject parcel currently has a Low-scale Residential land use designation. The applicant is requesting a land use designation change for the subject parcel to General Commercial.

If this amendment application is approved by the City Council, the subject parcel land use designation would be amended in the Comprehensive Plan Future Land Use Map (FLUM) from Low-scale Residential designation to a General Commercial designation. If granted, the land use designation change to General Commercial would enable the applicant to apply for a rezone to PDB Planned Development Business District or C-2 General Community Commercial District.

To learn more: visit [www.cityoftacoma.org/2023amendment](http://www.cityoftacoma.org/2023amendment) or email at [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org).

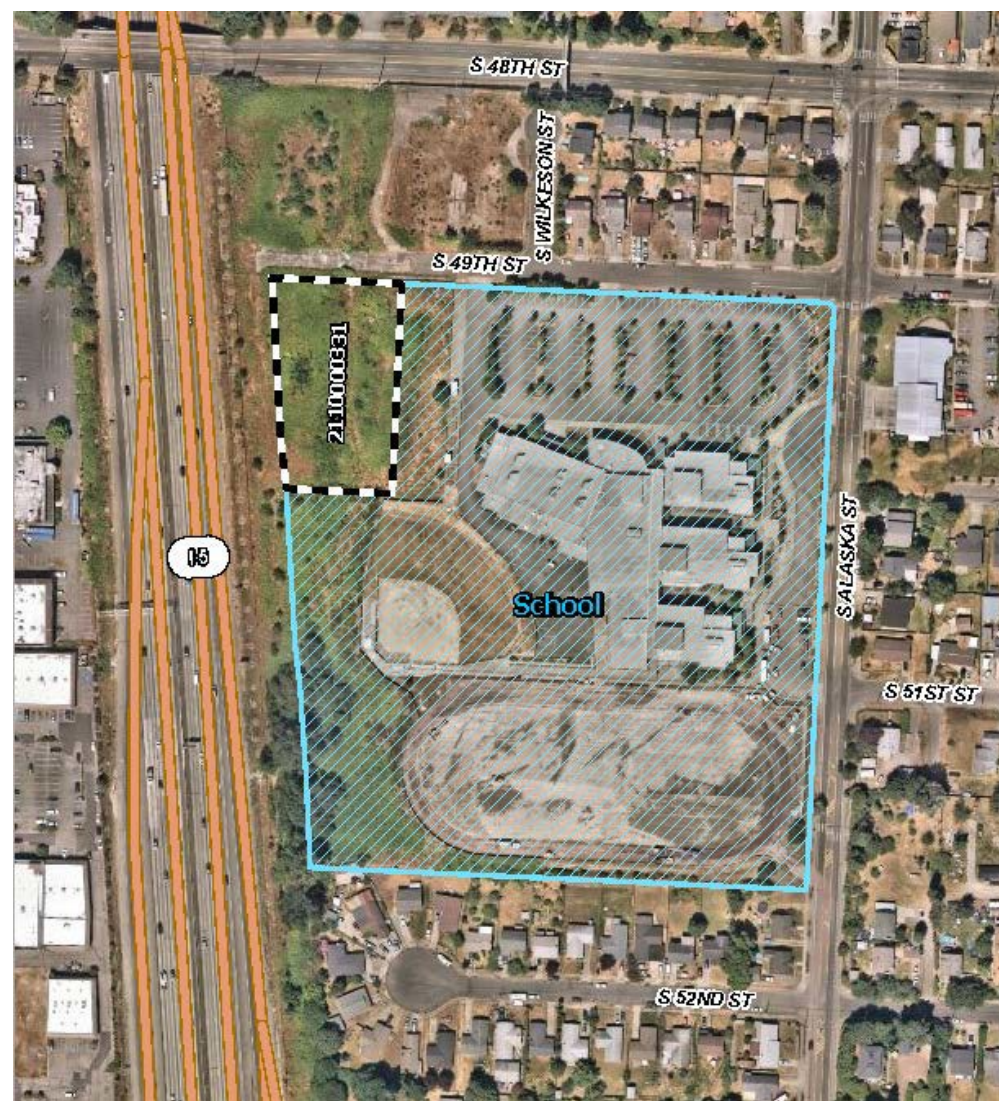
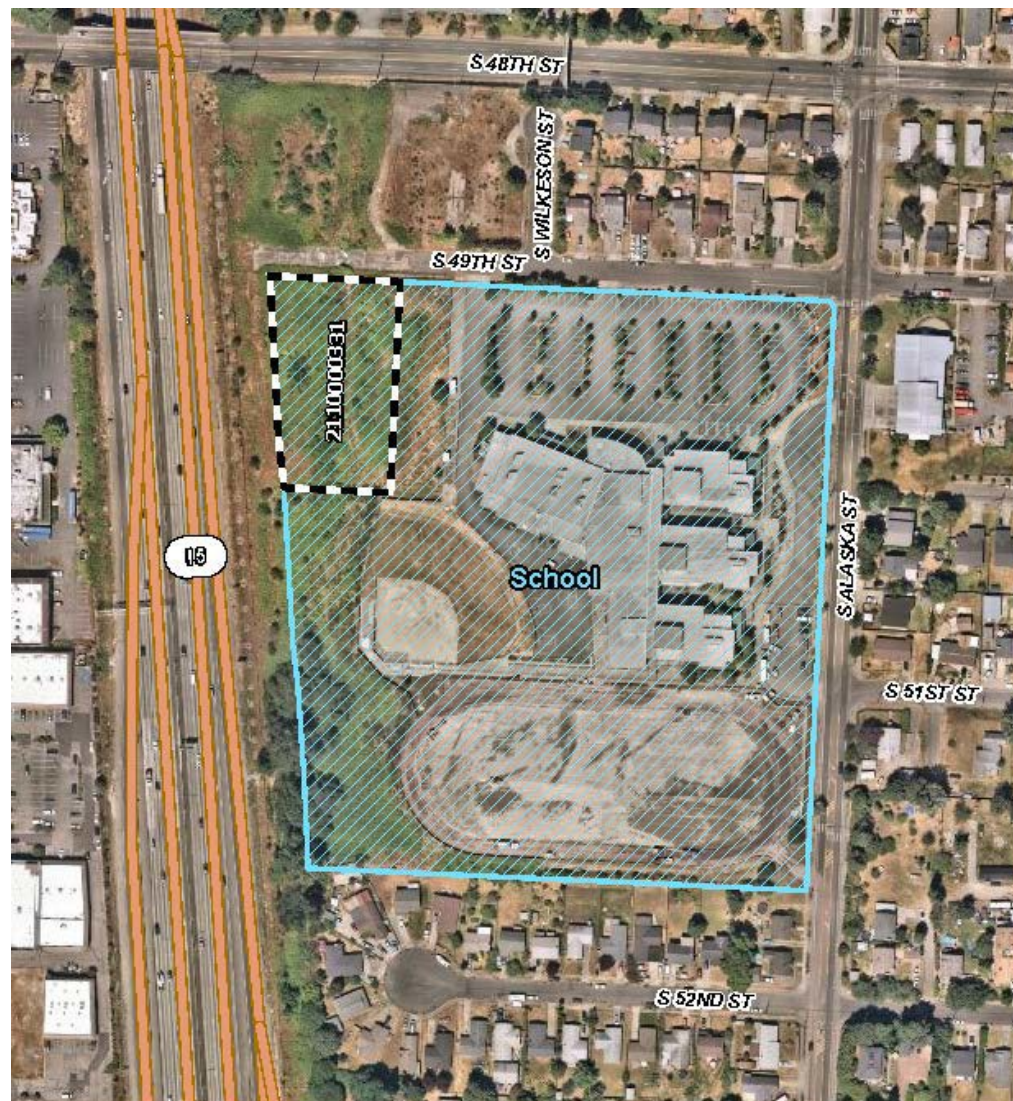
# 2023 Comprehensive Plan and Land Use Code Amendments Amendment to Parks + Recreation Facilities Map

## EXHIBIT "B": Mor Furniture Land Use Designation Change

CURRENT: "SCHOOL" DESIGNATION ON  
PARKS + RECREATION FACILITIES MAP

PROPOSED: REMOVE "SCHOOL"  
DESIGNATION ON PARKS + RECREATION  
FACILITIES MAP

PROPOSED DESIGNATION CHANGE  
ON PARKS + RECREATION FACILITIES  
MAP



**SUBJECT SITE:** 1824 South 49<sup>th</sup> Street, Tacoma, WA

**ACTION REQUESTED:** Remove subject site from "Schools" designation on Parks + Recreation Facilities Map (Figure 36) in Element 8: Parks + Recreation of the *One Tacoma Comprehensive Plan*.

### WHY IS THIS CHANGE PROPOSED?

The 1.24-acre subject parcel located at 1824 South 49<sup>th</sup> Street was formerly a surplus parcel owned by Tacoma Public Schools. Public schools within the City of Tacoma are designated as parks and recreation facilities in the Parks and Recreation Element of the *One Tacoma Comprehensive Plan*. The subject parcel assumed private ownership in 2018 when Tacoma Public Schools sold the parcel to Wesco Management LLC.

Due to the change from public to private ownership, and Wesco Management's amendment request to change the subject parcel's land use designation from Low-scale Residential to General Commercial, it is requested that the subject parcel be removed from the "School" facilities designation from the Parks + Recreation Facilities Map.

To learn more: visit [www.cityoftacoma.org/2023amendment](http://www.cityoftacoma.org/2023amendment) or email at [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org).

Return Address

William T. Lynn  
Gordon Thomas Honeywell, LLP  
1201 Pacific Ave, Suite 2100  
Tacoma, WA 98402

**CONDITIONAL COVENANT RUNNING WITH THE LAND  
AND RESTRICTING USE OF PROPERTY**

**Grantor(owner):** WESCO MANAGEMENT LLC

**Grantee:** CITY OF TACOMA

**Abbreviated Legal Description**

**Assessor's Property Tax  
Parcel/Account No.** 2110000331

This Conditional Covenant Running with the Land and Restricting Use of Property (Covenant) is made this \_\_\_ day of \_\_\_\_\_, 2023 by Wesco Management LLC, a Washington limited liability company (Wesco), and the City of Tacoma, a Washington municipal corporation (City).

**BACKGROUND**

A. Wesco owns property adjacent to the I-5 freeway at 1824 South 49th Street in Tacoma (Wesco Property). The Wesco Property is legally described on Exhibit A to this Agreement (parcel number 2110000331). Wesco is the sole and exclusive owner of the Wesco Property and has authority to bind all persons or entities that have a known interest in the Wesco Property.



B. The current Comprehensive Plan Land Use Designation for the Wesco Property is “Low-Scale Residential.” This is implemented by the R-2 STGPD zone (Single-Family Dwelling District & South Tacoma Groundwater Protection District).

C. Wesco has applied for a land use designation change for the Westco Property from Low-Scale Residential to General Commercial (Application). This would allow Wesco to request a future site rezone to C2 (General Community Commercial District) and to apply for permits for commercial development at the site.

D. If (a) the application for the land use designation change is approved and (b) the Wesco Property is subsequently rezoned to C2, Wesco will covenant and agree as set forth below.

### CONDITIONAL COVENANT RUNNING WITH THE LAND

1. Conditional Restriction. If the City Council approves the Application, and if the property is subsequently rezoned to C2, Wesco covenants and agrees for itself and its successors and assigns, and for any subsequent possessor or owner of the Wesco Property, that it will not use the property for any of the following C2 permitted uses as they are defined under the Tacoma Municipal Code:

- Airports
- Carnival
- Fueling station
- Funeral home
- Golf course
- Marijuana retailer
- Passenger terminal
- Residential chemical dependency
- Transportation/freight terminal

2. Other Permits. Nothing in this Covenant is intended to excuse Wesco from applicable City requirements for any proposed activities on the Wesco Property.

3. Expiration and Termination. The Covenant shall be null and void if the City does not approve the Application and/or the property is not subsequently zoned C2 within three (3) years from the date the City approves the Application. Wesco may earlier terminate the Covenant only as provided in Section 4 below.

4. Release or Modification of Covenant. Wesco agrees not to seek a release or modification of any term of the Covenant by any means other than by a legislative procedure, to be considered for approval by the City Council, as set forth in the Tacoma Municipal Code.

5. Successors and Assigns; Enforceability. This Covenant shall run with the Wesco Property as a restrictive covenant and shall be binding upon Wesco until its expiration or termination as set forth above. All obligations made herein by Wesco shall be

enforceable in law or in equity by the City against Wesco Management LLC, and all of its successors, assigns, and any future possessors or owners of the Wesco Property.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

WESCO MANAGEMENT LLC

CITY OF TACOMA

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of December, 2018, before me personally appeared \_\_\_\_\_ to me known to be the \_\_\_\_\_ of WESCO MANAGEMENT LLC, the limited liability company that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute and in fact executed said instrument on behalf of the limited liability company.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Type/Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of December, 2018, before me personally appeared \_\_\_\_\_ to me known to be the \_\_\_\_\_ of the CITY OF TACOMA, the municipal corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute and in fact executed said instrument on behalf of the City.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Type/Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

Exhibit A