

CITY COUNCIL MINUTES

City Council Chambers. 4:00 P. M.
Tuesday, May 10, 1966

Council met in regular session. Present on roll call 7; Cvitanich, Finnigan, Herrmann, Johnson, Murtland, Price and Mayor Tollefson. Absent 2; Haley and Bott.

Mr. Finnigan moved that the minutes of the meeting of April 26, 1966 be approved as submitted. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mayor Tollefson stated, before the next order of business, he would like to inform the Council that Mr. Haley has expressed a desire that the William Busch, et al. hearing be postponed until he is present, as he wished to present his views as a representative from the Council on the Planning Commission. The second point is that two members of the Council have to leave at 4:30 P. M.

Mayor Tollefson welcomed a Political Science Class from the University of Puget Sound.

HEARINGS & APPEALS:

a. This is the date set for hearing on the petition submitted by Arthur Munson for the request of the rezoning of property located at the N. W. corner of California Ave. and So. 38th St. from an "R-4" to a "C-2" District.

No one appearing and no protests being made, Mrs. Price moved the City Council concur in the recommendation of the Planning Commission to approve the rezoning and that the proper Ordinance be drafted. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

b. This is the date set for hearing on the appeal filed by Wm. Busch, et al., on the denial of the request for the rezoning of property located at the S. W. corner of 6th Ave. & Orchard St. from a "C-2" & "R-2" to a "C-P-C" District. 284

Mr. Marshall Adams, attorney, representing the petitioners, explained that the S. S. Kresge Co. a national retail chain store proposes to build a 112,000 square foot K-Mart discount department store on the site. The petitioner has asked for a change in the zoning from a "C-2" & "R-2" to a "C-P-C" District, as the proposed development would be more aesthetically pleasing and would include more screening and traffic control. The building setbacks, landscaping and traffic controls would be better handled from the resident's viewpoint under a "C-P-C", rather than under the existing zoning of a "C-2". Mr. Adams added, if this request is denied, the petitioners can still, legally construct a store on 6th Ave. within the existing "C-2" zone, using the area toward So. 8th for parking.

He said, the rezoning would not constitute an encroachment in an established single family district, and the established retail trade districts would not be unreasonably affected by the development as proposed. Further,

they felt that the thinking of the Planning Commission is in effect discriminating against any new potential business and there was a need of a department store facility in the West End of Tacoma.

Mr. Adams pointed out on a map the property owners who were in favor of the rezoning as well as those protesting. He felt that the Council has to decide, what is best for the City of Tacoma for the next 50 years, whether to have a front of a building facing 6th Ave. with pleasing aesthetic planning, or a back end of a building facing 6th Ave.

Mr. E. D. McCarthy of 4407 No. Division, Spokane, Washington, real estate broker, contended that the proposed store would bring new dollars into the Tacoma area, particularly from the Kitsap County area.

Mayor Tollefson asked Mr. McCarthy if a series of new discount department stores wouldn't have an adverse effect on the City's downtown re-development plans.

Mr. McCarthy remarked that the downtown area had suffered because it is not in the center of the trading area. He predicted that the answer to the downtown problem will lie in the development of south King County and the improvement of access between that area and Tacoma.

Mr. Paul Olson representing the Time Oil Co., said they were owners of 30,000 square feet of property directly across 6th Ave. from the site under discussion. They have been concerned about what type of development that would take place in this area. He added, several property owners have requested his company to speak in favor of the rezoning. They felt it was a very realistic approach.

James Step of 1101 Cascade and Mr. Fields representing the First Christian Church nearby, were in favor of the rezoning.

Robert Comfort, Attorney representing the opponents to the rezoning, stated that the petitioners are bound to access restrictions and traffic controls agreed to by Wm. Busch in connection with past zoning and vacations actions, by the City. Because of these restrictions, he added, the Kresge Co. would not be able to develop the property without the "C-P-C" zone. He added, in the wake of a previous rezone and two street vacations he has received in the area, the record shows broken promises by Mr. Busch. He outlined the petitions submitted by Mr. Busch in 1958 and again in 1961.

Mr. Comfort noted that Mr. Busch had promised at that time to build three commercial buildings, and also that he would cooperate with the City in the control of traffic. The in 1961 he petitioned for a rezoning which was granted with proper safeguards to the presently developed residential property, and again stated he would put in a hardware store and clothing store. Agreements were signed by Mr. Busch giving access rights to the City of Tacoma, and he agreed not to oppose any L I D improvements over So. 8th from Shirley St. to Orchard St. Then in April of 1962 there is a letter of withdrawal in the file from Mr. Adams stating they had bought the property on 8th St. and would not consent to any improvements.

Mr. Comfort noted that there has not been a single commercial building built since 1956 on the site under discussion, New homes have been built but the Busch property has been unattended. Under the present zoning, the development can extend only to the north line of So. 8th St. If a store is to be built, whether or not the zoning is approved, most residents would prefer to see it built under the existing zone.

Mr. Comfort felt the residents who have built in the west end of Tacoma would be penalized if this property were rezoned. Mr. Busch has not kept his promises to improve his property except for the drive-in restaurant. He urged the Council to deny this rezoning.

Dr. Herrmann asked if the opponents were against the "C-P-C" development rather than the "C-2" zoning.

Mr. Comfort felt that the greatest opposition was to the "C-P-C" rezoning.

A number of residents spoke against the rezoning.

Mr. Buehler, Director of Planning, outlined the requests by Mr. Busch in the past ten years. He noted that the City's department store floor space had increased 42 percent last year, largely due to the opening of the Tacoma Mall. The Council should consider how much the City can absorb. He added, there are other locations in the City that could absorb this development without additional zoning.

Mr. Adams noted that Mr. Comfort's remarks seemed to him only half-truths. He explained the previous requests by Mr. Busch in detail. The S. S. Kresge Co. have signed a 20-year lease and will use this property on a rental basis, even under a "C-P-N" zone. He stated they would widen Shirley and Orchard Streets if the "C-P-C" is approved.

He added, the people who spoke in opposition are worried about three things, traffic congestion, noise and waste and refuse from the store. He felt that under a "C-2" zone this situation would not be improved. He hoped it would be developed properly by screening and buffering the property from the residents under the "C-P-C" development.

Mr. Cvitanich moved that the hearing be postponed for three weeks, until May 31, 1966 in respect to Mr. Haley's and Mr. Finnigan's wishes. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

Mayor Tollefson requested that the Legal Dept. inform the Council what would entail the binding nature of the previous agreements made with Wm. Busch when his property was vacated and rezoned back in 1958 and 1961. Also, what affect would this have on the petition in the event the Council grants the rezoning.

Mayor Tollefson thanked Mr. Adams and Mr. Comfort for their fine presentations.

RESOLUTIONS:

Resolution No. 18702

Fixing Monday June 13, 1966 at 4:00 P. M. as the date for hearing on L I D 2378 for grading and oil mat surface and storm drains on 44th Ave. and 45th Ave. N. E. from 30th St. to No. 33rd St. N. E.

Mr. Johnson moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4. Bott, Finnigan, Haley and Mrs. Price.

Resolution No. 18703

Fixing Monday June 13, 1966 at 4:00 P. M. as the date for hearing on L I D 3628 for sanitary sewers on East K St. from 66th to 68th and other nearby streets.

Mr. Johnson moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Mrs. Price.

Resolution No. 18704

Fixing Monday June 13, 1966 at 4:00 P. M. as the date for hearing on L I D 3638 for sanitary sewers on Mullen St. from So. 56th to So. 58th and also other nearby Streets.

Mr. Johnson moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

Resolution No. 18705

Fixing Monday June 13, 1966 at 4:00 P. M. as the date for hearing on L I D 4787 for alley paving between No. 14 to No. 15th from Junett to Pine St. and between Cushman & Sheridan from Division Ave. to So. 5th Street.

Mr. Johnson moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

Resolution No. 18706

Fixing Tuesday May 24, 1966 at 4:00 P. M. as the date for hearing for the rezoning of the area on the east side of So. D. St. between So. 70th & So. 72nd Sts. (petition of Joseph Kotas)

Mr. Murtland moved to adopt the Resolution. Seconded by Mr. Johnson.

Mr. Rowlands stated a request has been made to amend the hearing date from May 24th to May 17, 1966.

Dr. Herrmann moved to amend the date from May 24, 1966 to May 17, 1966. Seconded by Mr. Murtland. Voice vote taken. Motion carried.

The Resolution as amended was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

Resolution No. 18707

Approving the final Plat of Claremont Westgate, Division No. 2, located on the west side of Pearl St. between No. 28th and No. 31st Streets.

Mr. Cvitanich moved to adopted the Resolution. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

Resolution No. 18708

Authorizing the purchase of three cars which are surplus to the requirements and needs of the Public Utility Dept. to be utilized by the Fire Dept. for the sum of \$1450.00.

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

Resolution No. 18709

Awarding contract to Tucci & Sons for L I D 4727 and 3616 on its bid of \$148,680.90 incl. sales tax.

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution was passed unanimously by voice vote.
Ayes 5; Nays 0; Absent 4, Bott, Finnigan, Haley and Price.

FINAL READING OF ORDINANCES:

Ordinance No. 18058

Amending Title 13 of the Official Code of the City by adding subsection 7 to Section 13.06.470 relative to zoning and platting and Resubmission of Application for Amendment. (Text Amendment)

Mr. Rowlands stated that the joint meeting requested by the City Council with the Planning Commission is scheduled for May 23, 1966.

Mr. Murtland moved that this Ordinance be postponed two weeks, until May 24, 1966. Seconded by Dr. Herrmann. Voice vote taken. Motion carried.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

1965 Annual Report submitted by the Finance Director.

COMMENTS:

No comments.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:00 P. M.

Attest: Josephine Melton
City Clerk

W. M. Kelley
Mayor of the City Council