

**REZ21-0001 AUBURN TOWNHOMES
CONTRACT REZONE AMENDMENT**

**CITY COUNCIL STUDY
SESSION**

**JOSH STEINER, AICP – SENIOR
PLANNER**

MAY 23, 2022

Department of Community Development

Planning • Building • Development Engineering • Permit Center
Sustainability • Community Services • Code Enforcement

AUBURN
VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

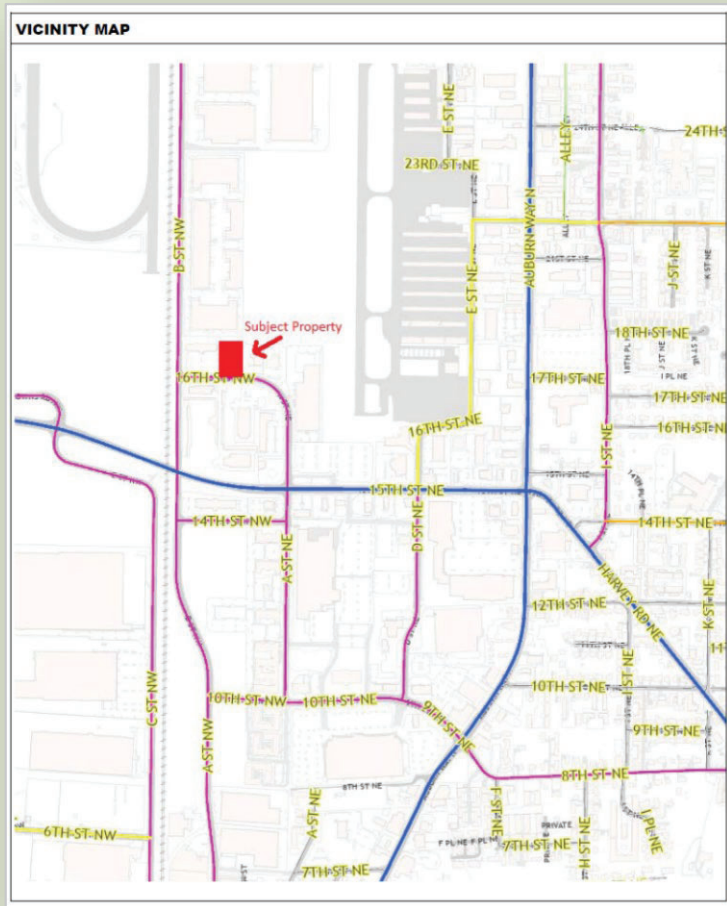
PROJECT SUMMARY:

Application to amend contract rezone (Ordinance #4456) for King Co. Parcel No. 000080-0053 to include "Live/Work" as a permitted use.

Ordinance #4456 covers four parcels, including subject parcel, consisting of 7.7 acres of C-3 zoned properties. Other three parcels included in original contract rezone are not part of this contract rezone amendment request. (Exhibit 1)

LOCATION:

The site is generally located on the north side of 16th St. NW between 'A' St. NW and 'B' St. NW. King Co. Parcel No. 000080-0053.



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Contract Rezone:

Contract rezone (Ordinance #4456), 1990 – Exhibit 8

	CITY CLERK'S OFFICE CITY OF AUBURN 25 West Main Auburn, WA 98001	\$15.00
1	ORDINANCE NO. <u>4 4 5 6</u>	
2		
3	AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON, PROVIDING FOR	
4	THE REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF 16TH	
5	STREET N.W. BETWEEN "A" STREET N.E. AND "B" STREET N.W.,	
6	WITHIN THE CITY OF AUBURN, WASHINGTON, CHANGING THE ZONING	
	CLASSIFICATION THEREOF FROM M-1 (LIGHT INDUSTRIAL) TO C-3	
	(HEAVY COMMERCIAL) AND COMPREHENSIVE PLAN MAP AMENDMENT FROM	
	LIGHT INDUSTRIAL TO HEAVY COMMERCIAL.	

FINDINGS OF FACT

1. The applicant is requesting a rezone from M-1 (Light Industrial), to C-3 (Heavy Commercial). A Comprehensive Plan Map amendment from light industrial to heavy commercial is being processed as well. The parcel is 7.7± acres in size and lies on the north side of 16th Street between "B" St. N.E. and the Auburn Airport.

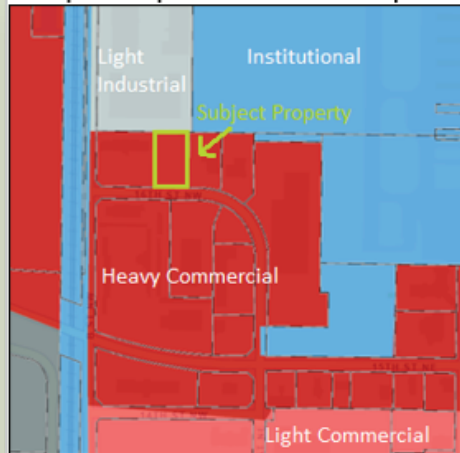
5. Even though the parcel may be more appropriate for commercial uses, there needs to be assurances that a strip commercial development will not result. There also need to be assurances that the number of accesses to the abutting arterials will be limited in order to facilitate traffic flow, and the proposed uses need to be consistent and compatible with the character of the area.

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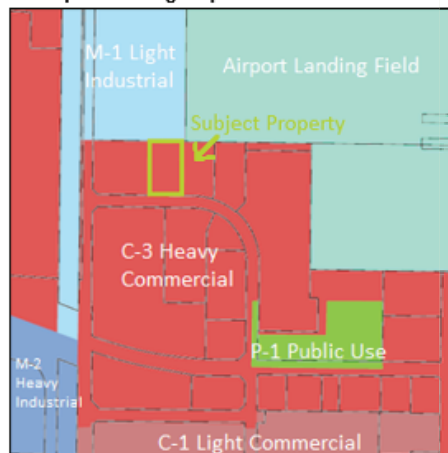
LAND USE:

- “Heavy Commercial” Comprehensive Plan Land Use Designation (Exhibit 1)
- Zoned C-3 “Heavy Commercial” (Exhibit 1)

Excerpted Comprehensive Plan Land Map:



Excerpted Zoning Map:



	Comprehensive Plan Designation	Zoning Classification	Current Land Use
Project Site	Heavy Commercial	C-3 Heavy Commercial District	Vacant
North	Light Industrial	M-1 Light Industrial District	McKeeson Warehousing
South	Heavy Commercial	C-3 Heavy Commercial District	Vacant
East	Heavy Commercial	C-3 Heavy Commercial District	Comfort Inn Hotel
West	Heavy Commercial	C-3 Heavy Commercial District	Clarion Hotel/King County Housing

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PERMITTED USES:

“Live/Work” is not included as a permitted use in the contract rezone adopted in 1990, however current city code does permit “Live/Work” in C-3 zones per ACC 18.23.030. (Exhibit 9, excerpt)

18.23.030 Uses.									
PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
martial arts, music, etc.									
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	
Work/live unit	X	P	P	P	P	P	P	X	
Marijuana cooperative	X	X	X	X	X	X	X	X	

“Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single dwelling or multi-unit dwelling, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- A. A complete dwelling unit; and
- B. Working space reserved for and regularly used by one or more occupants of the dwelling unit.

The difference between a live/work unit and a work/live unit (defined in ACC 18.04.913) is that the “work” component of a live/work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary. (Ord. 6433 § 14, 2012.)

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Procedural Considerations:

Comment period for Determination of Non-Significance for rezone was completed February 25, 2022 and no comments were received.

Site-specific Rezone Category 1, consistent with comprehensive plan land use map. Processed as a Type IV decision (ACC 14.03.0400).

Hearing Examiner recommended adoption of rezone application on May 4, 2022 as indicated in Auburn Townhomes Rezone decision (Exhibit A)

18.68.040 Rezone (zoning map amendment) approval criteria.



There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:

- A. The rezone implements the policies of the comprehensive plan; or
- B. The rezone is necessary due to a substantial change in circumstances since the current zoning; and
- C. The rezone bears a substantial relationship to the public health, safety, or welfare. (Ord. 6779 § 1, 2020; Ord. 6655 § 2, 2017; Ord. 6198 § 5, 2008; Ord. 6185 § 9, 2008; Ord. 5811 § 8, 2003; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

14.03.040 Type IV decisions.



Type IV decisions are quasi-judicial decisions made by the city council following a recommendation by the hearing examiner. Type IV decisions include, but are not limited to, the following project applications:

Site-Specific Rezone, Category 1. (Ord. 6779 § 5, 2020; Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 6184 § 4, 2008; Ord. 4835 § 1, 1996.)

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HEARING EXAMINER and STAFF RECOMMENDATION:

Approval to amend Ordinance #4456 to include “Live/Work” as a permitted use on the subject parcel, which will allow the parcel to be with C-3 uses elsewhere. Table 18.23.030 (Exhibit 9) shows “Live/Work” as a permitted use.

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Any questions?

(end)