

## ORDINANCE NO. 1117

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 12 ACRES OF RB-2 (RESIDENTIAL AND BUSINESS) DISTRICT WITH A MUD (MIXED USE DISTRICT) OVERLAY TO ED (EMPLOYMENT DISTRICT) ZONING DISTRICT, LOCATED IN THE BURNHAM DRIVE COMMERCIAL PARK AT 10421 BURNHAM DRIVE IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBERS 0222312033, 0222312034, AND 0222312035; AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.**

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WHEREAS, Mr. Michael Perrow of Donkey Creek Holdings requested a rezone for the 12 acre Burnham Drive Commercial Park located at 10421 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 0222312033, 0222312034 and 0222312035; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject site at 10421 Burnham Drive is Employment Center, which is a result of the 2002 Comprehensive Plan amendments; and

WHEREAS, RCW 36.70A.130(1)(b) requires consistency between comprehensive plans and development regulations; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) ; and

WHEREAS, Mr. Perrow requested that the subject property be rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District) to be consistent with the Comprehensive Land Use Map; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) was issued on December 17, 2003; and

WHEREAS, the SEPA threshold determination was not appealed; and

WHEREAS, the proposed rezone is a Type III action as defined in GHMC 19.01.003(B) for site-specific rezones; and

WHEREAS, A final decision for a Type III application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on April 21, 2004, at which time the Hearing Examiner heard public testimony on the rezone; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated April 30, 2004; and

WHEREAS, the rezone decision was not appealed; and

WHEREAS, rezones must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on December 17, 2003 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered this Ordinance and voted to adopt this Ordinance during the first reading on November 26, 2007; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The real property located in the Burnham Drive Commercial Park lat

10421 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 0222312033, 0222312034 and 0222312035, and as shown on attached Exhibit "A", is hereby rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by Section 1.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 26th day of November, 2007.

CITY OF GIG HARBOR

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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/7/07  
PASSED BY THE CITY COUNCIL: 11/26/07  
PUBLISHED: 12/5/07  
EFFECTIVE DATE: 12/10/07  
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