

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 19.3 ACRES OF RMD (PLANNED COMMUNITY DEVELOPMENT MEDIUM RESIDENTIAL DENSITY) ZONING DISTRICT TO PCD-BP (PLANNED COMMUNITY DEVELOPMENT BUSINESS PARK) ZONING DISTRICT AND RECONFIGURING ZONING DISTRICT BOUNDARIES OF THE PCD-BP AND RMD DISTRICTS, LOCATED AT 11567 CANTERWOOD BOULEVARD IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBERS 0122254083 and 0122254079 AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.

WHEREAS, Hammes Company, on behalf of Franciscan Health Systems and Tacoma Power, requested a rezone for portions of the parcels located at 11567 Canterwood Boulevard in Gig Harbor, Washington, Assessor's parcel numbers 0122254083 and 0122254079; and

WHEREAS, the land use designations in the Comprehensive Plan of the subject site at 11567 Canterwood Boulevard are 34.1 acres of PCD-BP (Planned Community Development Business Park) and 7.4 acres of RMD (Planned Community Development Residential Medium), as shown on attached Exhibit "A", which is a result of the 2005 Comprehensive Plan amendments; and

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

WHEREAS, the existing zoning districts on the Official Zoning Map of the City for the subject site are 14.8 acres of PCD-BP (Planned Community Development Business Park) and 26.7 acres of RMD (Planned Community Development Residential Medium), as shown on attached Exhibit "B"; and

WHEREAS, Hammes Company, Inc. requested to rezone 19.3 acres of RMD zoning on the subject parcels to PCD-BP zoning and reconfigure the locations of the PCD-BP and RMD zoning district boundaries to be consistent with the Comprehensive Land Use Map; and

WHEREAS, a SEPA threshold determination of Determination of Significance and Adoption of Existing Environmental Document Mitigated Determination of Non-Significance (Adoption/DS) was issued on November 15, 2006 adopting the City of Gig Harbor, 2005 Comprehensive Plan Amendments, Final Supplemental EIS; and

WHEREAS, the SEPA threshold decision 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 December 13, 2006, 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 December 22, 2006; and

WHEREAS, the appeal period expired on January 15, 2007; 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 August 31, 2006 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on February 12, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on February 26, 2007; and

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

Section 1. The real property located at 11567 Canterwood Boulevard in Gig Harbor, Washington, Assessor's parcel numbers 0122254083 and 0122254079 is hereby rezoned to 34.1 acres of PCD-BP (Planned Community Development Business Park) and 7.4 acres of RMD (Planned Community Development Residential Medium), as shown on attached Exhibit "C".

Section 2. The Community Development 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 28th day of February, 2007.

CITY OF GIG HARBOR

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: 02/07/07
PASSED BY THE CITY COUNCIL: 02/26/07
PUBLISHED: 03/07/07
EFFECTIVE DATE: 03/12/07
ORDINANCE NO: 1072