

ORDINANCE NO. 1069

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING .27 ACRES FROM R-1 (SINGLE-FAMILY) ZONING DISTRICT TO A DB (DOWNTOWN BUSINESS) ZONING DISTRICT, LOCATED AT 7516 PIONEER WAY, ASSESSOR'S PARCEL NUMBER 0221082049.

WHEREAS, Donald Dahl, owns the parcel located at 7516 Pioneer Way in Gig Harbor, Washington, ASSESSOR'S PARCEL NUMBER 0221082049; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject parcels is Commercial/Business, and this designation dates back to the City's 1997 Comprehensive Plan; and

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

WHEREAS, the existing commercial/business comprehensive plan land use designation anticipates retail sales and services; business and professional offices; and mini-warehousing uses; and

WHEREAS, Donald Dahl has requested that the property be rezoned from R-1 (single family) to DB (Downtown Business), which allows for the provision of a broad range of goods and services for the citizens of Gig Harbor as well as services and activities which cater to visitors to the City; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) for the proposed rezone was issued on November 8, 2006; 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; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated December 22, 2006; and

WHEREAS, the appeal period expired on January 10, 2007; and

WHEREAS, zoning district map amendments must be adopted by ordinance to effectuate an official map change as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community Development on September 27, 2006 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2007 and February 12, 2007;

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

Section 1. The real property located at 7516 Pioneer Way, Assessor Parcel #0221082049 and as shown on attached Exhibit "A", and legally described as follows:

A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER

BOTH OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, SITUATE IN PIERCE COUNTY, WASHINGTON, FURTHER DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER THENCE NORTH 86°56'29" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER 22.55 FEET; THENCE SOUTH 09°30'40" WEST 114.28 FEET; THENCE SOUTH 58°33'42" EAST 51.72 FEET TO THE NORTHWESTERLY MARGIN OF PIONEER AVENUE; THENCE NORTH 37°46'10" EAST ALONG SAID MARGIN 175.30 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89°25'58" WEST ALONG SAID NORTH LINE 110.07 FEET TO THE POINT OF BEGINNING

is hereby rezoned from R-1 (single family) to DB (Downtown Business).

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 this section.

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 12th 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: 01/17/07
PASSED BY THE CITY COUNCIL: 02/12/07
PUBLISHED: 02/21/07
EFFECTIVE DATE: 02/26/07
ORDINANCE NO: 1069

