

ORDINANCE NO. 1056

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, REZONING 23.44 ACRES FROM PCD-BP
(PLANNED COMMUNITY DEVELOPMENT BUSINESS PARK)
ZONING DISTRICT TO A PCD-C (PLANNED COMMUNITY
DEVELOPMENT COMMERCIAL) ZONING DISTRICT, LOCATED
AT THE SOUTHWEST CORNER OF BORGEN BOULEVARD
AND HARBOR HILL DRIVE, ASSESSOR'S PARCEL NUMBER
0222312039.**

WHEREAS, Olympic Property Group, LLC. requested a rezone for the parcel located at the southwest corner of Borgen Boulevard and Harbor Hill Drive in Gig Harbor, Washington, Assessor's parcel number 0222312039; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject parcel is PCD-C (Planned Community Development Commercial), which was changed from PCD-BP (Planned Community development Business Park) as part of the 2003 Comprehensive Plan amendments; and

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

WHEREAS, the existing Planned Community Development Commercial (PCD-C) comprehensive plan land use designation anticipates Planned Community Development Commercial development; and

WHEREAS, Olympic Property Group, LLC. requested that the property be rezoned from PCD-BP (Planned Community Development Business Park) to PCD-C (Planned Community Development Commercial), which allows commercial development; and

WHEREAS, a SEPA threshold determination of Mitigated Nonsignificance (MDNS) for the proposed rezone was issued on June 14, 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 July 19, 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 August 1, 2006; and

WHEREAS, the appeal period expired on August 25, 2006; 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 November 30, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on September 25; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on October 9, 2006; and

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

Section 1. The real property located at the southwest corner of Borgen Boulevard and Harbor Hill Drive, Assessor Parcel #0222312039 and as shown on attached Exhibit "A", and legally described as follows:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE ALONG THE NORTH LINE OF SAID SECTION SOUTH 88° 29'18" EAST 1250.66 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION AND THE POINT OF BEGINNING;

THENCE ALONG SAID WEST LINE SOUTH 01°19'55" WEST 1324.26 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG SAID SOUTH LINE SOUTH 88°22'24" EAST 467.71 FEET;
THENCE NORTH 17°17'40" EAST 188.05 FEET;
THENCE SOUTH 88°22'24" EAST 83.15 FEET;
THENCE NORTH 14°26'00" EAST 429.62 FEET;
THENCE NORTH 65°18'14" EAST 159.94 FEET;
THENCE SOUTH 34°41'01" EAST 325.45 FEET;
THENCE SOUTH 88°22'24" EAST 177.38 FEET TO THE BEGINNING OF A NON- TANGENT CURVE CONCAVE TO THE SOUTHWEST FROM WHENCE ITS CENTER BEARS SOUTH 64°21'12" WEST 766.00 FEET DISTANT;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 74.29 FEET THROUGH A CENTRAL ANGLE OF 05°33'24";
THENCE NORTH 31°12'13" WEST 53.37 FEET;
THENCE NORTH 36°55'06" WEST 84.93 FEET;
THENCE NORTH 32°50'36" WEST 32.29 FEET;
THENCE NORTH 33°57'52" WEST 76.44 FEET;
THENCE NORTH 59°53'46" WEST 109.69 FEET;
THENCE NORTH 02°56'32" WEST 57.26 FEET;
THENCE NORTH 38°14'16" EAST 57.28 FEET;
THENCE NORTH 02°20'30" EAST 22.82 FEET;
THENCE NORTH 13°05'56" WEST 41.50 FEET;
THENCE NORTH 07°38'01" WEST 50.07 FEET;
THENCE NORTH 08°43'23" WEST 67.99 FEET;
THENCE NORTH 04°58'36" WEST 67.99 FEET;
THENCE NORTH 03°06'12" WEST 75.10 FEET;
THENCE NORTH 02°58'43" WEST 63.37 FEET;
THENCE NORTH 13°52'23" WEST 42.72 FEET;
THENCE NORTH 50°39'12" WEST 39.82 FEET TO THE SOUTHERLY RIGHT-OF-WAY
MARGIN OF BORGEN BOULEVARD;
THENCE NORTH 01°30'42" EAST 47.30 FEET TO THE NORTH LINE
OF SAID SECTION;
THENCE ALONG SAID NORTH LINE NORTH 88°29'18" WEST 875.87 FEET TO THE POINT
OF BEGINNING.

EXCEPT THAT PORTION LYING WITHIN BORGEN BOULEVARD
RIGHT OF WAY;

is hereby rezoned from PCD-BP (Planned Community Development Business Park) to PCD-C (Planned Community Development Commercial).

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 9th day of October, 2006.

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: 09/20/06
PASSED BY THE CITY COUNCIL: 10/09/06
PUBLISHED: 10/18/06
EFFECTIVE DATE: 10/23/06
ORDINANCE NO: 1056

Exhibit "A"
Harbor Hill Rezone (REZ 04-35)

