

ORDINANCE NO. 932

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING .71 ACRES FROM R-1 (SINGLE-FAMILY) ZONING DISTRICT TO A RB-1 (RESIDENTIAL AND BUSINESS) ZONING DISTRICT, LOCATED AT 7201 PIONEER WAY & 3519 GRANDVIEW STREET, ASSESSOR'S PARCEL NUMBERS 4350000190 & 4350000180.

WHEREAS, Mr. Ken Uddenberg owns two contiguous parcels located at 7201 PIONEER WAY & 3519 GRANDVIEW STREET, ASSESSOR'S PARCEL NUMBERS 4350000190 & 4350000180; and

WHEREAS, The land use designation of the subject parcels was changed in the year 2002 from residential low to residential medium as part of the annual comprehensive plan amendment process, at the request of the owner, Mr. Uddenberg; and

WHEREAS, RCW 36.70.545 requires consistency between comprehensive plans and development regulations; and

WHEREAS, the approved residential medium (RM) comprehensive plan land use designation anticipates conditional allowances for professional offices or businesses; and

WHEREAS, Mr. Uddenberg has requested that the property be rezoned from R-1 (single family) to RB-1 (residential business), which allows professional offices as a permitted use; and

WHEREAS, a SEPA threshold mitigated determination of non-significance (MDNS) for the proposed rezone was issued on April 21, 2003, which MDNS included specific conditions for allowing professional offices on the subject site; 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 May 21, 2003, at which time no public input was received except from the applicant, Mr. Ken Uddenberg; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated June 2, 2003; 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 Planning & Building Manager forwarded a copy of this Ordinance to the Washington State Department of Community Development on July 3, 2003 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of July 28, 2003;

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

Section 1. The real property located at 7201 PIONEER WAY & 3519 GRANDVIEW STREET, ASSESSOR'S PARCEL NUMBERS 4350000190 & 4350000180 and as shown on attached Exhibit "A", is hereby rezoned from R-1 (single family) to RB-1 (residential business), subject to all conditions stipulated in the April 21, 2003 SEPA threshold Determination of Non-significance (MDNS).

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 28th day of July, 2003.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

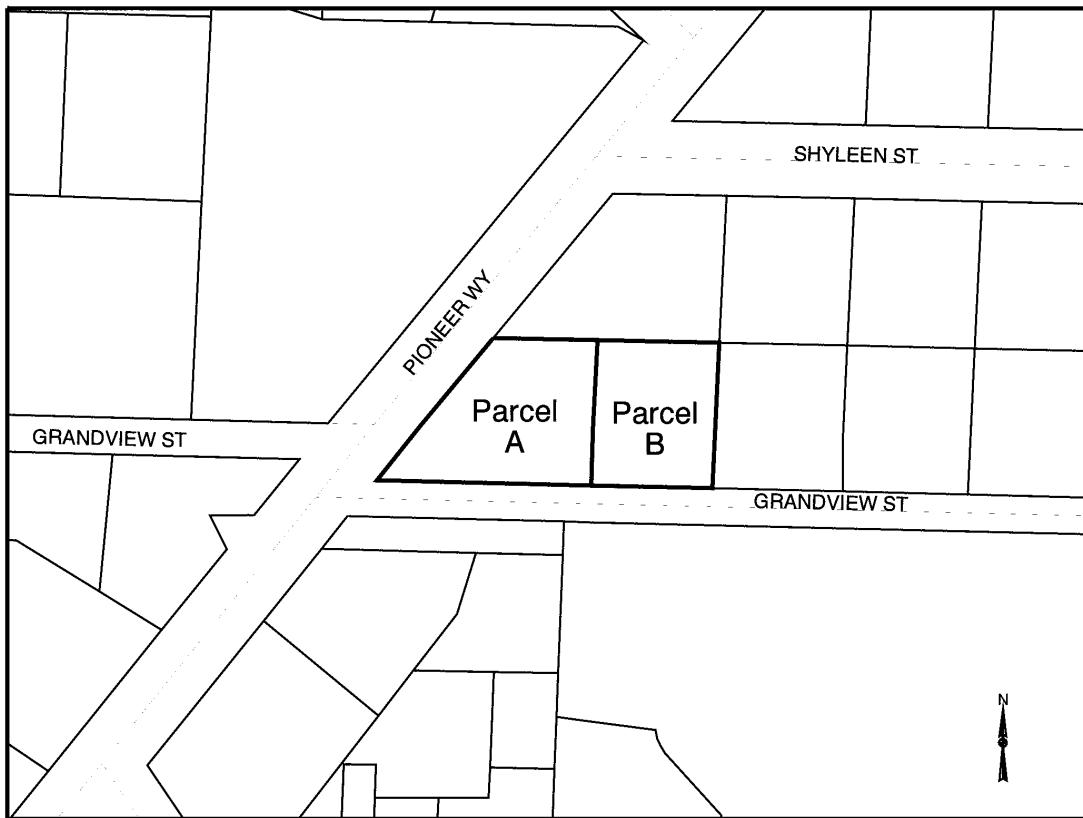
By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 7/9/03
PASSED BY THE CITY COUNCIL: 7/28/03
PUBLISHED: 8/6/03
EFFECTIVE DATE: 8/11/03
ORDINANCE NO: 932

Exhibit "A"



Parcel A:

7201 Pioneer Way

ATR Parcel #4350000190

Legal Description: Lot 18, Harbor Heights Addition, as per plat recorded in Volume 16 of plats at page 52, records of Pierce County Auditor situated in the County of Pierce, State of Washington.

Parcel B:

3519 Grandview Street

ATR Parcel #4350000180

Legal Description: Lot 17, Harbor Heights Addition, as per plat recorded in Volume 16 of plats at page 52, records of Pierce County Auditor situated in the County of Pierce, State of Washington.