

## ORDINANCE NO. 1397

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 5.08 ACRES FROM R-1 ZONING DISTRICT AND MUD OVERLAY DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), LOCATED OFF MCCORMICK CREEK DRIVE, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-18-0001, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH**

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WHEREAS, McCormick Creek, LLC requested Final PRD Approval for McCormick Creek Plat and PRD Phase 4 located on the east side of McCormick Creek Drive and north of the Peninsula Light fields and regional stormwater pond; Pierce County Assessor-Treasurer Parcel Number 0222316001, 0222316002, 0222316003, and 0222316004; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is Mixed Use; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is Single-Family Residential (R-1) with a Mixed Use District Overlay (MUD); and

WHEREAS, on October 25, 2016, McCormick Creek LLC requested preliminary Planned Residential Development (PRD) approval for 5.08 acres, comprised of 4 parcels, into 18 single family residential lots on the subject site; and

WHEREAS, a SEPA threshold determination of Determination of Nonsignificance (DNS) was issued on June 15, 2017; and

WHEREAS, the appeal period expired on July 6, 2017; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

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

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on July 20, 2017, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the preliminary PRD in a decision dated August 2, 2017; and

WHEREAS, the appeal period expired on August 23, 2017; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, an application for Final PRD approval was submitted to the City on July 31, 2018 and deemed complete on August 1, 2018; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B); and

WHEREAS, a closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final plat and PRD application under Resolution No. 1132 on November 13, 2018; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on December 10, 2018;

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

Section 1. The real property located east of McCormick Creek Drive and north of the Gig Harbor Little League fields and regional stormwater pond, Pierce County

Assessor-Treasurer Parcel Number 0222316001, 0222316002, 0222316003, and 0222316004 and legally described in Exhibit "A", is hereby rezoned from Single-Family Residential (R-1) and Mixed Use Overlay (MUD) to Planned Residential Development (PRD).

Section 2. The Interim Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation 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 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 10<sup>th</sup> day of December, 2018.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Kit Kuhn, MAYOR

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 11/6/18  
PASSED BY THE CITY COUNCIL: 12/10/18  
PUBLISHED: 12/20/18  
EFFECTIVE DATE: 12/25/18  
ORDINANCE NO: 1397

## LEGAL DESCRIPTION

## EXHIBIT A

### **McCORMICK CREEK PLAT AND PRD PHASE 4:**

#### **Parcel A:**

Lots 1 through 4, inclusive, Pierce County Short Plat number 8510020266, according to the plat thereof recorded October 2, 1985, records of the Pierce County Auditor;

Situate in the City of Gig Harbor, County of Pierce, State of Washington.

#### **Parcel B:**

A 30-foot private road and utilities easement as delineated on Pierce County Short Plat number 8510020266, according to the plat thereof recorded October 2, 1985, records of the Pierce County Auditor;

Situate in the City of Gig Harbor, County of Pierce, State of Washington.



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ENVIRONMENTAL SERVICES

## MCCORMICK CREEK PHASE 4

JOB NUMBER

**14830**

14830L.028.DOC

SHEET

**1 of 1**

DESIGNED \_\_\_\_\_

DRAWN KMA \_\_\_\_\_

CHECKED \_\_\_\_\_

APPROVED \_\_\_\_\_

DATE 10/24/18 \_\_\_\_\_