

RESOLUTION NO. 819

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATED TO COMPREHENSIVE PLAN AMENDMENTS, DENYING APPLICATIONS COMP 09-0005 HAVEN OF REST LAND USE MAP AMENDMENT AND COMP 09-0012 3700 GRANDVIEW LAND USE MAP AMENDMENT AS PART OF THE 2009 COMPREHENSIVE PLAN ANNUAL CYCLE.

WHEREAS, the City of Gig Harbor plans under the Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the Act requires the City to adopt a Comprehensive Plan; and

WHEREAS, the City is required to consider suggested changes to the Comprehensive Plan (RCW 36.70A.470); and

WHEREAS, under GHMC 19.09 the City has adopted a procedure for processing amendments to the Comprehensive Plan, which includes specific criteria for said amendments (19.09.170); and

WHEREAS, on May 11, 2009, the City Council evaluated the comprehensive plan amendment applications submitted for the 2009 annual cycle, and held a public hearing on such applications; and

WHEREAS, on May 26, 2009, the City Council forwarded twelve comprehensive plan amendment applications to the Planning Commission for further processing in the 2009 Comprehensive Plan annual cycle; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on June, 18, 2009, July 16, 2009, July 30, 2009, August 6, 2009, August 20, 2009, September 3, 2009, September 17, 2009, September 24, 2009 and October 21, 2009; and

WHEREAS, the Planning Commission held public hearings on comprehensive plan amendments on July 16, 2009, July 30, 2009 and September 17, 2009; and

WHEREAS, on October 21, 2009 the Planning Commission voted to recommend approval of all twelve proposed amendments reviewed in the 2009 annual cycle; and

WHEREAS, on November 9, 2009, the Gig Harbor City Council held a

public hearing on the twelve amendments to the Gig Harbor Comprehensive Plan for the 2009 annual review cycle; and

WHEREAS, the Gig Harbor City Council considered applications COMP 09-0005 and COMP 09-0012 at their meetings of November 23, 2009 and December 14, 2009; and

WHEREAS, GHMC 19.09.180 requires that all comprehensive plan amendments that are rejected be addressed in a resolution,

Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. **Notice.** The City Clerk confirmed that public notice of the public hearings held by the City Council on the following applications was provided.

Section 2. **Hearing Procedure.** The City Council's consideration of the comprehensive plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

Section 3. **Testimony.** The following persons testified on the applications at the November 9, 2009 public hearing:

(COMP 09-0005) Kathryn Jerkovich, Lee Murray, Patricia Manning, Mark Hoppen; (COMP 09-0012) Carl Halsan, Danielle Ittner, John McMillan, Kurt Salmon, Mark Hoppen, Bill Fogarty, Cliff Petersen, William Lynn.

Section 4. **Criteria for Approval.** The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the Planning Commission's recommendations and after considering the criteria found in GHMC 19.09.170 make written findings regarding each application's consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 are as follows:

19.09.170 Criteria for approval.

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of

service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land;

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or

2. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or

3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or

4. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or

5. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

**Section 5. COMP 09-0005 – Haven of Rest Land Use Map
Amendment**

Summary: A land use designation change from Residential Low (RL) to Residential Medium (RM) of 3.4 acres of property north of Rosedale Street and directly east of the Tacoma Power lines. Through a development agreement, the applicant sought to limit the rezone property to Medium-Density Residential (R-2) and limit the uses to all uses allowed (permitted and conditional) in the R-1 zone and cemeteries, clubs, and community recreation halls as conditional uses.

Findings: The City Council finds that the application does not meet criteria GHMC 19.09.170(E, G and H) for the following reasons:

- a) The RM designation states that businesses may be provided for if they do not significantly impact the character of the residential neighborhood and that the intensity of the non-residential use be compatible with the adjacent residential area (GHCP Policy 2.2.3.a). The proposed cemetery, club and community recreation hall uses will negatively impact the character of the residential neighborhood along Rosedale Street. Along Rosedale Street, the Tacoma Power Line property separates the higher intensity residential to the west from the single-family neighborhoods to the east. The subject property is located just east of the power lines and if this amendment was approved it would be the only R-2 zoning east of the power lines along Rosedale. Allowing the R-2 zoning and nonresidential uses (cemetery, clubs and community recreation halls) east of the power lines would not be consistent with the character of the existing single-family neighborhood.
- b) The amendment could create a demand for land use designation changes in the surrounding areas. The Tacoma Power lines serve as a separation between medium density and low density designations. To the east of the subject property is vacant land designated RL and zoned R-1; intensifying the land use designation of the subject property could cause the property owners of that vacant land to seek a redesignation to a higher density.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **denies** application COMP 09-0005, as identified in Exhibit A attached to this Resolution.

Section 6. **COMP 09-0012 – 3700 Grandview Land Use Map
Amendment**

Summary: A land use designation change from Residential Low (RL) to Residential Medium (RM) for 2 acres of property located at 3700 Grandview Street; the northern corner of Stinson Avenue, Grandview Street and Pioneer Way. Through a development agreement, the property owners sought to limit the scope of any future development of the subject property and the 2.27 acre area north of the subject property.

Findings: The City Council finds that the application does not meet criteria GHMC 19.09.170(E, G and H) for the following reasons:


- a) The Community Design Element of the Comprehensive plan has policies related to maintaining building scale, in particular Goal 3.6 and 3.7. The City Council finds that these policies are not being met by the proposed land use amendment and accompanying development. The two buildings proposed would not “Maintain a small town scale” and would, “overpower existing structures” and “visually dominate Gig Harbor’s small town city-scape”.
- b) The existing character of the commercial properties surrounding the 3700 Grandview property consists of 1 – 2 story office buildings that range in size from 1,500 square feet to 9,700 square feet. The proposal for 3700 Grandview is for 2 mixed use buildings containing 21,100 and 24,900 square feet of habitable space. In addition, partially below-ground parking garages of 11,900 square feet and 14,500 square feet are proposed. The sizes of the buildings proposed in the 3700 Grandview amendment are substantially larger than other commercial buildings within the area.
- c) The proposed buildings are most similar to the BDR/Bayview Plaza building located in the Commercial/Business designation and Downtown Business District. The BDR building is two stories tall; 20,000 – 25,000 square feet in area; and has underground parking. The City Council finds that two buildings of that size (BDR) located between Pioneer and Stinson, north of Grandview in a Residential Medium designation would be inconsistent with the established neighborhood scale for commercial buildings.

- d) The RM designation states that professional offices or businesses may be provided for if they do not significantly impact the character of the residential neighborhood and that the intensity of the non-residential use be compatible with the adjacent residential area. The City Council finds that because of the inconsistency with the scale of the surrounding commercial uses, the proposed development would not be compatible with the existing land uses in the surrounding area.
- e) The intent of the RB-1 zoning is to serve as a buffer between high intensity commercial and lower density residential uses. The City Council finds that current RB-1 zoning is appropriate for the subject property and helps to protect and preserve the single-family residential north of the subject property. Increasing the building size limitations, through approving the application, would not provide an adequate buffer to the single-family neighborhoods.
- f) The City Council finds that the amendment could create a demand for land use designation north of Grandview Street. If the land use and zoning for this property becomes RM and RB-2, it would be the only RB-2 zoning north of Grandview Street in the Pioneer Way and Stinson Avenue vicinity. If the 3700 Grandview application is approved and the proposed mixed use is built, the residential character of Grandview Street's north side would change, potentially leading to more requests to amend the designation to RM for other properties along Grandview.


Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **denies** application COMP 09-0012, as identified in Exhibit B attached to this Resolution.

RESOLVED by the City Council this 11th day of January, 2010.

APPROVED:


Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:


Molly M. Towslee, City Clerk

APPROVED AS TO FORM;

OFFICE OF THE CITY ATTORNEY:

BY: 

FILED WITH THE CITY CLERK: 01/06/10
PASSED BY THE CITY COUNCIL: 01/11/10
RESOLUTION NO. 819