

CITY OF GIG HARBOR

RESOLUTION # 268

WHEREAS, Mrs. Rose Jones has requested site plan approval (SPR89-15) to operate a child day-care facility which would be located at the former Peninsula Utility Company building on Harborview Drive; and

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans and other land use issues; and

WHEREAS, the Planning Director for the City of Gig Harbor has recommended conditional approval of the project, Site Plan #89-15, in a staff report dated November 28, 1989; and

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of SPR89-15 in his report dated January 2, 1990.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

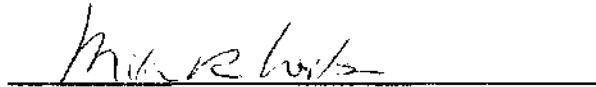
That the findings, conclusions and recommendation of the hearing examiner in his report dated January 2, 1990, which is attached hereto, and the application for site plan approval is granted.

PASSED this 22nd day of January, 1990.



Gretchen Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/18/90
Passed by city council: 1/22/90

CITY OF GIG HARBOR

HEARING EXAMINER



FINDINGS CONCLUSIONS AND RECOMMENDATION:

APPLICANT: Rose Jones

CASE NO: SPR-89-15

APPLICATION: Request for a site plan approval to convert an office building into a 24 hour child care facility.

SUMMARY OF RECOMMENDATIONS

Planning Staff Recommendation: Approve with conditions.

Hearing Examiner Recommendation: Approve with conditions.

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Jones application was opened at 3:02 p.m., December 6, 1989, in City Hall Gig Harbor, Washington, and closed at 3:20 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND RECOMMENDATION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

- A. The information contained on pages 1, 2, and 3 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as part of the Hearing Examiner's findings of fact. A copy of said report is available at the Planning Department.
- B. The applicant said she understood the staff recommended conditions of approval and she did not disagree with them.

II. CONCLUSIONS:

The staff findings and conclusions prepared by the Planning Staff and set forth on pages 3 and 4 of the Planning Staff's Advisory Report accurately sets forth the conclusions of the Hearing Examiner and by this reference is adopted a the Hearing Examiner's conclusions. A copy of said report is available at the Planning Department.

III. RECOMMENDATION:

based upon the foregoing findings of fact and conclusions, the requested site plan should be approved subject to the following conditions:

1. Prior to issuance of permits for the facility, a traffic impact study shall be prepared by a qualified transportation engineer. The study shall focus on access to the facility and shall include recommendations on traffic impact mitigation where feasible. If accepted by the Public Works Director, any required traffic control improvements shall be developed and implemented prior to issuance of the occupancy permit.
2. The proposal shall conform to all applicable uniform building and fire codes including fire hydrant construction and location and fire flow analysis. Any improvements relevant to the code, and as required by the building official, shall be implemented prior to issuance of any occupancy permits.
3. The applicant shall provide a safe and fenced outdoor play area for children. This shall not encroach upon the asphalt parking area fronting Harborview Drive.
4. The applicant shall provide, or participate in, the construction or funding of concrete sidewalks, curbs, and gutters along Harborview Drive. Said improvements shall be constructed within one year of site plan approval. A bond or assignment of funds in the amount of 120% of a contractor's bid for sidewalk construction shall be posted prior to issuance of permits for the facility.

Dated this 2nd day of January, 1990


Ron McConnell
Hearing Examiner

RECONSIDERATION:

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within then (10) days of the date the decision is rendered. This request shall set forth the specific errors or new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

COUNCIL ACTION:

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support this action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the case of an ordinance for rezone of property, the ordinance shall not be placed on the Council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action.

MINUTES OF THE DECEMBER 6, 1989

HEARING ON THE

ROSE JONES APPLICATION:

Ronald L. McConnell was the Hearing Examiner for this matter.

Participating in the hearing were: Rose Jones, the applicant; and Betty Wymer the applicant's sister.

Representing the City of Gig Harbor was Ray Gilmore.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report.
- B. Planning Staff drawing of traffic flow.

PARTIES OF RECORD:

- Rose Jones
10015 72nd Ave. N.W.
Gig Harbor, WA 98335
- Betty Wymer
9637 Bridgeport Way
Tacoma, WA 98499
- Leslie Schmidtke
4102 Harborview Drive
Gig Harbor, WA 98335