

CITY OF GIG HARBOR

RESOLUTION # 267

WHEREAS, Mr. Phil Arenson has requested site plan approval (SPR89-14) to provide additional customer parking at the Gig Harbor Car Wash on Kimball 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 #89-14, in a staff report dated November 17, 1989; and


WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of SPR89-14 in his report dated December 21, 1989.

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

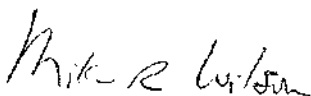
That the findings, conclusions and recommendation of the hearing examiner in his report dated December 21, 1989, which is attached hereto, is adopted and the application for site plan approval is granted, subject to the following additional condition:

No additional exterior lighting shall be permitted at the facility under this site plan approval.

PASSED this 22nd day of January, 1990.

  
Gretchen Wilbert, Mayor

ATTEST:

  
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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:**

**RECEIVED**

**DEC 20 89**

**APPLICANT:** PBA, Inc. (Gig Harbor Car Wash)

**CASE NO:** SPR 89-14

**APPLICATION:** Revise previously approved site plan to permit the addition of seven parking stalls for use of patrons. The location of the stalls is in an area currently occupied by a 30' wide vegetated buffer zone.

**SUMMARY OF RECOMMENDATIONS**

**Planning Staff Recommendation:** Approve modified plan with conditions.

**Hearing Examiner Recommendation:** Approve modified plan 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 PBA, Inc. application was opened at 2:27 p.m., November, 29, 1989, in City Hall Gig Harbor, Washington, and closed at 3:02 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 and 2 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 attached hereto as Exhibit A.

B. The applicant and his architect testified at the hearing that:

1. At the present time, cars cannot pull out of the wash bays and park on site to be dried. The request to remove the buffer would allow parking to be expanded on the site.
2. They said cars in the new parking spaces would be adequately screened by the slope and the retaining wall which would be constructed.
3. The applicant said that the original screen was intended to be used as a land bank, possibly for a new building. He said removal of the buffer would create a much easier traffic flow on the property.
4. The owner also said the present buffer exceeds requirements and said there is no buffer on the Laurelwood's property. He also said the closest window in the adjacent Laurelwood apartments is about 400 feet away from the car wash and that removal of the buffer would not affect the sight line from the apartments.

C. Four persons testified in opposition to the application at the public hearing and three letters were received in opposition to the application (Exhibits C, D and E). Concerns and objections expressed included:

1. The original request for the car wash went through extensive review and buffering of residential uses from more intensive commercial uses such as the car wash was part of the review process.
2. The courtyard for the Laurelwood apartments faces the car wash and the residents don't want to look at the car wash while having a conversation or lunch in the courtyard.
3. The residents want the buffer retained because it helps cut the noise from the car wash and it also screens the view of the carwash. The residents want to maintain the privacy they now have.

D. A review of the file on the existing car wash (file No. SP-87-04) indicates that:

1. The original site plan shows a buffer of over 50 feet on the east side of the property, which concurs with the applicants claim that part of the buffer area was intended to be used in the future for another building. The site plan was modified, however, at the request of the Public Works Director

to accommodate an access point on Kimball which is different than that proposed by the applicant. That modification resulted in shifting the car wash bays and in reducing the buffer on the east side of the property.

2. During the original hearing, the applicant asked that the buffer be reduced from that proposed on the site plan and that only 8 feet of buffer be provided along the east side of the property.
3. The Planning Staff originally recommended a 40 foot buffer on the east side of the property and the hearing examiner concurred with that recommendation.
4. The City Council reduced the buffer requirement to 30 feet which is the amount which was left as the property was developed.

E. The following Zoning Code provisions apply to this case:

1. Section 17.36.010.B indicates that all business should be conducted within enclosed buildings, except for parking, newsstands and outdoor dining areas.
2. Section 17.36.030.E.2 indicates that the hearing examiner and City Council should consider approval of plans with special attention to compatibility with surrounding buildings, occupancy and use factors.
3. Section 17.36.050 indicates that: No yards are required except that where a B-2 district abuts a residential district, a yard shall be required for the space between a property in this district and that in the residential district, such yards are to be landscaped and screened from the residential area. Such yard shall be fifteen feet in the case of a rear yard.

- F. At the hearing, the Planning Director recommended that the applicant be allowed to reduce the buffer area to fifteen feet on the condition that a landscape plan which is prepared by a licensed landscape architect be prepared and submitted to the Planning Director for consideration and approval. Said plan should be designed to provide sound attenuation and should include trees, which are a minimum of six feet high at the time they are planted.

## II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on page 3 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiners conclusions. A copy of said report is attached hereto as Exhibit A.
- B. The applicant wants to use most of his land, however, there is no provision in the zoning code to reduce the buffer area in a case such as this to less than fifteen feet. The code is quite explicit in that it not only indicates the minimum width of the required yard, but also says such yard shall be landscaped and screened. Compatibility with surrounding buildings and uses is also a requirement which must be considered when reviewing a site plan. The code also indicates that all business should be conducted within enclosed buildings. the car wash facility is only partially enclosed and the wash bays are open to the adjacent apartments. In addition, the car wash is brightly lighted and is obviously a commercial use.

Therefore, in order to achieve compatibility with the adjacent apartments, an effective screen should be provided on the car wash property between the car wash and the adjacent apartments. The existing screen consists mostly of second or third growth fir trees and is effective only because it is thirty feet wide. A fifteen foot wide buffer which is only landscaped with existing native vegetation would not be sufficient to effectively screen the car wash from the apartments.


- C. The fact that there is a small difference in elevation between the apartments and the car wash may hide some of the cars which use the car wash, but the difference in elevation would do nothing to screen the car wash itself.
- D. A reduction of the buffer area width would be appropriate, but only if the buffer area is carefully designed to provide an effective screen. Such a screen should be designed by a qualified landscape architect and the design should be reviewed and approved by the Planning Director. In addition, if the buffer area is reduced in width and new plant material is installed, a bond should be provided to insure that any new plants which may die within the first two years after planting will be replaced.
- E. The landscaped screen should be designed to reduce noise as well as serve as a visual screen.

### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the examiner recommends approval of a revised site plan subject to the following conditions:

1. The final revised plan shall be prepared by a licensed landscape architect.
2. The plan shall show a 15 foot wide vegetated buffer along the east property line. All significant trees within the fifteen foot buffer area shall be retained. A significant tree is defined as any tree other than red alder or cottonwood which is eight inches or greater in diameter, measured one foot above the root crown. Supplemental plantings shall be planted to provide a dense visual screen within three years. The supplemental plantings shall be sufficient to provide noise attenuation as they mature.
3. The final revised plan shall be submitted to the Planning Director for review and approval.
4. Prior to removal of any of the existing trees a bond shall be submitted to the City to cover the cost of replacement of any of the supplemental landscaping. The amount of said bond shall be determined by the Planning Director based on information provided by the applicant; landscape architect shall bond shall be released two years after the supplemental landscaping has been planted, except that all or a portion of the bond shall be used to replace landscaping which may die in the first two years after planting.

Dated this 21st day of December 1989

  
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 ten (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 NOVEMBER 29 ,1989

HEARING ON THE

PBA, INC. APPLICATION:

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

Participating in the hearing were: David Freeman and Phillip Arenson, representing the applicant; and neighbors Richard Payzant, Doug Vawter, June Basnaw, and May Higley.

Representing the City of Gig Harbor; Ray Gilmore.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report
- B. Staff recommended site plan
- C. Letter from Richard and June Basnaw, dated November 20, 1989
- D. Letter from James Boge, dated November 25, 1989
- E. Letter from Len Brannen, dated November 28, 1989



**PARTIES OF RECORD:**

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