

CITY OF GIG HARBOR

RESOLUTION NO. 252

WHEREAS, Michael Fletcher (MGM Properties) has requested site plan review approval for construction of covered parking at the Rosedale Townhouses; and

WHEREAS, the Gig Harbor City Council has adopted, in Ordinance #489, guidelines for review of site plans and other land use issues and Section 17 of said ordinance states, "Any application requiring action by the City Council shall be taken by adoption of a resolution or ordinance by the Council"; and

WHEREAS, the Gig Harbor Planning Director has recommended approval of the project, SPR-89-05, in a staff report dated June 5, 1989; and

WHEREAS, the Gig Harbor Hearing Examiner conducted a public hearing on the application on May 24, 1989; and

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of SPR-89-05 in his report dated June 7, 1989;

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

That the findings, conclusions, and recommendations of the Hearing Examiner's report dated June 7, 1989, which is attached as Exhibit 1, are adopted, and the application for the site plan approval is approved with the condition that sidewalks, curbs, and gutters shall be constructed at owner's expense within two years.

PASSED this 12th day of June, 1989.

Don McCarty, Mayor

ATTEST:

Michael R. Wilson

Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 6/8/89  
Passed by city council: 6/12/89

CITY OF GIG HARBOR

HEARING EXAMINER

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

**APPLICANT:** Michael Fletcher  
MGM Properties

**CASE NO:** V-89-05/SPR-89-05

**APPLICATION:** Variance to Section 17.20.050 to permit construction of covered parking over existing parking which is within side yards. Site plan review for covered parking shed.

**SUMMARY OF RECOMMENDATION:**

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 MGM Properties application was opened at 5:28 p.m., May 24, 1989, in City Hall Gig Harbor, Washington, and closed at 5:30 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.

**FINDING CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

The information contained on page 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 the Hearing Examiner's findings of fact. A copy of said report is attached hereto as Exhibit A.

**RECONSIDERATION:**

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of the law or fact, error in judgement 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 his 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 MAY 24, 1989  
HEARING ON THE  
MGM PROPERTIES APPLICATION:**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Ray Gilmore, representing the City of Gig Harbor; and Michael Fletcher.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report.
- B. Photos of the site.

**PARTIES OF RECORD:**

- Michael Fletcher  
MGM Properties  
P.O. Box 1205  
Gig Harbor, Washington 98335
- Tyron Sisson  
1279 Westwind Circle  
Westlake Village, California 91361