

RESOLUTION NO. 1082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STREET IMPROVEMENTS REQUIRED AS TRAFFIC MITIGATION, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH OLYMPIC TOWNE CENTER, LLC RELATED TO AN APPROVED COMMERCIAL SHOPPING CENTER (FILE NOS. PL-SPR-07-0017, PL-DRB-07-0162 & PL-ALP-13-0003) FOR A 16.47 ACRE SITE LOCATED AT 5502 POINT FOSDICK DRIVE NORTHWEST IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON.

WHEREAS, RCW 36.70B.170 authorizes a local government and a person having ownership or control of real property within its jurisdiction to enter into a development agreement; and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170(1)); and

WHEREAS, the City of Gig Harbor has adopted development regulations for development agreements in Chapter 19.08 of the Gig Harbor Municipal Code; and

WHEREAS, the Developer has a fee simple or other substantial beneficial interest in the real property located on six parcels, totaling 16.47 acres generally located north of Olympic Drive Northwest and west of Point Fosdick Drive Northwest in the City of Gig Harbor, Pierce County, Washington, which is legally described in Exhibit A of to the Development Agreement, attached hereto and incorporated herein by this reference; and

WHEREAS, on March 25, 2015, the City's SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) for the Olympic Towne Center project under application file number SEPA-07-0054 subject to mitigation measures including improvements to the Olympic Drive/Point Fosdick Drive Intersection; and

WHEREAS, on July 13, 2015 the city's Hearing Examiner approved land use permit application numbers PL-SPR-07-0017, PL-DRB-07-0162 and PL-ALP-13-0003 subject to special conditions including SEPA mitigation measures; and

WHEREAS, special condition No. 8 of the Hearing Examiner Decision requires right-of-way acquisition, design and construction of a right turn lane at the west leg of the intersection of Olympic Drive and Point Fosdick Drive NW, re-timing to revise the signal to a split-phase operation, revisions to associated signal equipment, intersection channelization, signing and other project costs, with the pro rata share of the project to be a City share of 45% and the Developer share of 55%, and requiring the execution of a Development Agreement to address the required improvements; and

WHEREAS, on December 10, 2015, Olympic Towne Center, LLC filed with the City a complete application for a Development Agreement (File No. PL-DEV-15-0001); and

WHEREAS, on June 12, 2017, the City Council held its public hearing on the Development Agreement during a regular meeting and after considering the application, the staff report and all public testimony presented, approved the Development Agreement attached hereto as Exhibit A; Now, therefore,

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

Section 1. The City Council hereby authorizes the Mayor to execute the Development Agreement with Olympic Towne Center, LLC, attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. The City Council hereby directs the Planning Director to record the Development Agreement against the Property legally described in Exhibit A, at the cost of the applicant, pursuant to RCW 36.70B.190.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 12th day of June, 2017.

CITY OF GIG HARBOR


Mayor Pro Tem Rahna Lovrovich

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 06/05/17
PASSED BY THE CITY COUNCIL: 06/12/17
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