

ORDINANCE NO. 1333

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 52.16 ACRES FROM R-1 ZONING DISTRICT AND MUD OVERLAY DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), LOCATED OFF BURNHAM DRIVE AT 50TH AVENUE NORTHWEST, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-15-0005, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH

WHEREAS, McCormick Creek, LLC requested Final PRD Approval for Phase 1 of the McCormick Creek Plat located on the east side of Burnham Drive at 50th Avenue Northwest; Pierce County Assessor-Treasurer Parcel Number 0222312023, 0222312027, 0222312028, 0222312029, 0222313008, 0222313012, 0222313023, 0222313069 and 0222313070; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is Mixed Use; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is Single-Family Residential (R-1) with a Mixed Use District Overlay (MUD); and

WHEREAS, on December 17, 2009, McCormick Creek LLC requested Preliminary Planned Residential Development (PRD) approval for 52.16 acres, comprised of 9 parcels, into 182 single family residential lots and 3 nonresidential lots that would be developed with a total of 185 units on the subject site; and

WHEREAS, a Revised SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on February 4, 2010; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, a final decision for a Type III-A application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on April 1, 2010, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the Preliminary PRD in a decision dated April 7, 2010; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, McCormick Creek LLC requested a Revision to the Approved Preliminary Planned Residential Development (PRD) for the park and open space tracts to accommodate reducing the total number of lots from 185 to 160 (comprising of 157 residential lots and 3 nonresidential lots) on February 18, 2014; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, Amendment No. 1 to the McCormick Creek Development Agreement recorded on August 7, 2014 authorizes the Planning Director to approve modifications to the Approved Preliminary PRD as a Type 2 Decision; and

WHEREAS, the Planning Director approved the Revised Preliminary PRD in her decision dated August 14, 2014; and

WHEREAS, the appeal period expired on September 4, 2014; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, an application for final PRD approval was submitted to the City and deemed complete on October 20, 2015 for Phase 1, a portion of the approved preliminary PRD; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B);
and

WHEREAS, a closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final PRD application under Resolution No. 1029 on March 14, 2016; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on March 14, 2016;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The real property located east of Burnham Drive at 50th Avenue Northwest, a portion of Pierce County Assessor-Treasurer Parcel Number 0222312023, 0222312027, 0222312028, 0222312029, 0222313008, 0222313012, 0222313023, 0222313069 and 0222313070, and legally described in Exhibit "A", is hereby rezoned from Single-Family Residential (R-1) and Mixed Use Overlay (MUD) to Planned Residential Development (PRD).


Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation established by Section 1.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 14nd day of March, 2016.

CITY OF GIG HARBOR



JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 03/08/16
PASSED BY THE CITY COUNCIL: 03/14/16
PUBLISHED: 03/16/16
EFFECTIVE DATE: 03/21/16
ORDINANCE NO: 1333