

**ORDINANCE 1480**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 13.08 ACRES FROM R-1 ZONING DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), ADJACENT TO AND SOUTH OF THE PENINSULA LIGHT FIELDS RECREATION PARK, TAKING ACCESS OFF OF MCCORMICK CREEK DRIVE DUE NORTH OF BURNHAM DRIVE; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER(S) 4003250960, 4003250980, AND 4003251000; AND CITY OF GIG HARBOR FILE NO. PL-FPRD-19-0003; AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, McCormick Creek LLC requested Final PRD Approval for McCormick Creek Phase III located adjacent to and south of the Peninsula Light Fields Recreation Park, taking access off of McCormick Creek Drive due north of Burnham Drive; Pierce County Assessor-Treasurer Parcel Numbers 4003250960, 4003250980, and 4003251000; 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 R-1 (Single-Family Residential) and Mixed Use District overlay (MUD); and

**WHEREAS**, on April 7, 2006, AHBL Inc. on behalf of McCormick Creek LLC, property owner, requested Preliminary Planned Residential Development (PRD) approval and Preliminary Plat (PPLAT) approval for a phased development of 52.16 acres, into 182 residential single-family lots and three non-residential lots on the subject site; and

**WHEREAS**, a Notice of Administrative Decision was issued on August 22, 2008 conditionally approving all portions of design review; and

**WHEREAS**, the Administrative Decision on design review was not appealed; and

**WHEREAS**, on April 4, 2011, a Development Agreement between the City of Gig Harbor and McCormick Creek LLC ("Agreement") establishing a different phasing schedule of the PRD was approved and recorded, Auditor Filing Number 201104040155; and

**WHEREAS**, on July 29, 2014, an Amendment to the Agreement reducing the number of lots in the PRD from 185 total lots to 160 lots was approved and recorded, Auditor Filing Number 201408070397; and

**WHEREAS**, on August 14, 2014, a modification to the Preliminary Plat and Preliminary PRD was approved, reducing the total number of lots from 185 to 160, consisting of 157 residential single-family lots and three non-residential lots comprised of one lot for office use, one lot for ministorage use, and one lot containing an existing church, and further amending the phasing schedule associated with the project's development; and

**WHEREAS**, a revised SEPA threshold decision for a Mitigated Determination of Nonsignificance was issued on June 1, 2017; 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 August 3, 2017, at which time the Hearing Examiner heard public testimony on the preliminary PRD and heard a request to consider a second amendment to the Agreement, and held his final decision on the preliminary PRD in abeyance until approval of the requested second amendment to the Agreement was issued by City Council; and

**WHEREAS**, on December 8, 2017, a second Amendment to the Agreement increasing the number of lots in the PRD from 160 lots to 171 lots, removing Lot 2 from Phase 1 of the PRD, and removing the storage lot from the PRD and incorporating a parking lot for public use was approved and recorded, Auditor Filing Number 201712260192; and

**WHEREAS**, the Hearing Examiner conditionally approved the Preliminary PRD in his decision dated April 25, 2018; and

**WHEREAS**, the Hearing Examiner's decision was not appealed; and

**WHEREAS**, an application for final PRD approval was submitted to the City and deemed complete on September 27, 2019; 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 plat application under Resolution No. 1225 on December 13, 2021; 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 December 13, 2021;

**NOW THEREFORE**, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

**Section 1.** The real property adjacent to and south of the Peninsula Light Fields Recreation Park, taking access off of McCormick Creek Drive due north of Burnham Drive; Pierce County Assessor-Treasurer Parcel Numbers 4003250960, 4003250980, and 4003251000 and legally described in Exhibit A, is hereby rezoned from R-1 (Single-Family Residential) to PRD (Planned Residential Development).

**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. Correction of Errors.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. 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.

**ADOPTED** by the Council of the City of Gig Harbor at a regular meeting thereof, held this 13th day of December, 2021.

*Kit Kuhn*

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Kit Kuhn  
Mayor

Approved as to form:

*Daniel Kenny*

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Daniel Kenny  
City Attorney

Attest:

*Joshua Stecker*

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Joshua Stecker  
Interim City Clerk

PUBLICATION DATE: December 16, 2021

EFFECTIVE DATE: December 21, 2021

## **EXHIBIT A**

### **Legal Description**

(APN'S 4003250960, 4003250980 AND 4003251000)

TRACT S, MCCORMICK CREEK PLAT AND PRD PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 22, 2016 UNDER RECORDING NUMBER 201603225002, IN PIERCE COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED MCCORMICK CREEK DRIVE AS VACATED PURSUANT TO A RECORD OF SURVEY FOR PARTIAL PLAT VACATION RECORDED MAY 18, 2017 UNDER RECORDING NUMBER 201705185001, IN PIERCE COUNTY, WASHINGTON;

ALSO TOGETHER WITH TRACTS U AND W, MCCORMICK CREEK PLAT AND PRD PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 22, 2016 UNDER RECORDING NUMBER 201603225002, IN PIERCE COUNTY, WASHINGTON;

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.