

**CITY OF GIG HARBOR
RESOLUTION NO. 431**

WHEREAS, Rod Nilsson of Rikson Development has requested approval for a planned unit development (PUD) for the construction of 14 residential units at 7502 Pioneer Way; and,

WHEREAS, the Gig Harbor City Council has adopted guidelines for the reviewing of planned unit developments as outlined in GHMC section 17.90; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the PUD, in a staff report dated September 21, 1994; and

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on September 21, 1994 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said PUD in his report dated October 5, 1994; and,

WHEREAS, the City Council, during its regular meeting of October 24, 1994 reviewed the proposed PUD and the findings and recommendation of the Hearing Examiner; and,

WHEREAS, the City Council has determined that the PUD and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating Planned Unit Developments; and

WHEREAS, the City Council has determined that the development would provide significant public benefits including the dedication and improvement of a public road, an alternative housing choice in the downtown area, and a design which preserves and enhances the architectural character of the downtown/Millville area, in exchange for the increased density and other code exceptions as defined on the site plan and elevation drawings;

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

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated October 5, 1994 are hereby adopted and the Planned Unit Development is approved subject to the following conditions:

1. Fire flow must be provided to within 300 FT of the front entrance to each parcel and within 150 FT of each portion of each tri-plex in accordance with the Section 10.401, 1991 Uniform Fire Code. The minimum fire hydrant spacing on Edwards is at each street intersection, at the entrance to the PUD and every 600 FT.
2. Fire flow must be provided to the building in accordance with the Section 10.401,

1991 Uniform Fire Code (Appendix III-A & B) or as required by the Uniform Fire Code as adopted by the City of Gig Harbor.

3. An auto-fire sprinkler system must be included in the tri-plexes if the entire structure exceeds 5000 square feet in area.
4. The sidewalks must match the existing sidewalks on Edwards Drive which include 5'-6" sidewalk width and a 6" curb width as per Public Works Department standards.
5. Utility locations must be reviewed upon submittal of construction plans.
6. A 6-foot privacy fence shall be installed along the Cohoe Street frontage behind units 9 through 14; along the 66 foot portion of the eastern property boundary beside unit 1; and along the portion of the eastern property between unit 14 and the Benum property.
7. Pursuant to GHMC section 17.90.060.C, within three (3) years of the preliminary approval date, the applicant shall file with the City Council a final development plan in the form of a final condominium plat for the PUD which contains the information required in the preliminary plan including a 40-foot wide right-of-way dedicated to the City. Prior to or in conjunction with the final plat approval, the PUD portion of the site (as illustrated) and the single family residence portion of the site (fronting on Pioneer Way) shall be formally short platted as separate parcels.
8. Maintenance of all privately owned common facilities within the PUD, including fences along the periphery of the PUD, shall be the responsibility of the developer or a home owners association. If common facilities are to be maintained by a home owners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
 - A. The enforcement of covenants imposed by the landowner or developer.
 - B. The levying and collection of assessments against all lots to accomplish the association's responsibilities.
 - C. The collection of delinquent assessments through the courts.
 - D. The letting of contracts to build, maintain and manage common facilities.
9. A final landscaping plan for the common areas within the plat shall be submitted to the Planning Department prior to finalization of the plat. The plan shall comply with the provisions of Section 17.78.080 of the Gig Harbor Zoning Code along the eastern portion of the subject property between the Lentz property and

parking/circulation area of the proposed project. The plan shall also make provisions for a triangular shaped landscape area in the center of the common court. Said landscape area shall be the maximum possible size while still allowing for convenient and safe vehicular and fire access. The plan shall include provisions for a mechanical irrigation system. Landscaping shall be installed prior to final occupancy of last three units.

10. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 130% of the contractors bid for all improvements required under the preliminary plat approval shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements within the time specified to City standards shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.
11. Prior to permit issuance, the applicant shall submit to the Staff a final color palette which shall provide modest variation from unit to unit in order to emphasize the individuality of each unit and maintain the character of the single family neighborhood. To allow buyers choices of colors, the color palette does not have to be unit-specific, provided that contiguous units are not the same color.
12. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval.
13. The pavement on Edwards Street in this portion be increased from 25 to 28 feet to allow for an eight foot parking lane and two ten foot lanes.
14. The applicant may execute a voluntary agreement with the City of Gig Harbor within the next 60 days to provide a left turn lane at the intersection of Pioneer way and the new street.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 24th day of October, 1994.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen

City Administrator/Clerk

Filed with City Clerk: 10/14/94

Passed by City Council: 10/24/94