

**ORDINANCE NO. 1137**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 4.23 ACRES OF PI (PUBLIC INSTITUTIONAL) ZONING DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT, LOCATED AT 4129 HARBORVIEW DRIVE IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBER 0221061060, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.**

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WHEREAS, Bennett/SFS LLC and the Gig Harbor Peninsula Historical Society, requested a Site Specific Rezone Amendment to rezone for the parcel located at 4129 Harborview Drive in Gig Harbor, Washington, Assessor's parcel number 0221061060; and

WHEREAS, the land use designations in the Comprehensive Plan of the subject site is Residential Low; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is PI (Public Institutional); and

WHEREAS, Bennett/SFS LLC and the Gig Harbor Peninsula Historical Society requested to rezone 4.23 acres of PI zoning on the subject parcel to R-1 zoning to facilitate residential development on the subject site; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on February 8, 2008; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the proposed rezone is a Type III action as defined in GHMC 19.01.003(B) for site-specific rezones; and

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

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on June 4, 2008, at which time the Hearing Examiner heard public testimony on the rezone; and

WHEREAS, the Hearing Examiner approved the proposed rezone in her decision dated June 13, 2008; and

WHEREAS, the appeal period expired on July 7, 2008; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, rezones must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on December 5, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on July 28, 2008; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on July 28, 2008; and

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

Section 1. The real property located at 4129 Harborview Drive in Gig Harbor, Washington, Assessor's parcel number 0221061060 and legally described in Exhibit "A", is hereby rezoned from PI (Public Institutional) to R-1 (Single Family Residential).

Section 2. The Community Development 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, being an exercise of a power specifically delegated to the City legislative body, 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 28<sup>th</sup> day of July, 2008.

CITY OF GIG HARBOR

  
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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By:   
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MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 07/02/08  
PASSED BY THE CITY COUNCIL: 07/28/08  
PUBLISHED: 08/06/08  
EFFECTIVE DATE: 08/11/08  
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