

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
September 4th, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Joyce Ninen, Dick Allen, Jim Pasin, and Jeane Derebey. Commissioners Jill Guernsey and Theresa Malich were absent.
Staff Present: Tom Dolan, Emily Appleton, Pete Katich and Diane Gagnon

CALL TO ORDER: Acting Chair Harris Atkins called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to table the minutes of August 21st, 2008. Motion passed.

WORK-STUDY SESSION

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335

COMP 08-0008 - Transportation Element Update – The proposed Comprehensive Plan amendment would correct inconsistencies and incorporate

Senior Engineer Emily Appleton said that she had been working with the consultant Evan Dust from HDR on the comments made previously. She noted that Mr. Dust had asked that he have until Monday to complete the revisions. She had a summary of the comments and how they had been addressed to date and handed it out to the Planning Commission. Ms. Appleton pointed out the shower and lockers for bicyclists and the question had been was that appropriate and suggested that the item be talked about and find out what the Planning Commission thinks.

Ms. Appleton then pointed that some of the outstanding items deal with the financial forecasts and she was waiting for information from the Finance Department. Commissioner Harris Atkins asked about the impact fee item and whether it was included and Ms. Appleton said that it was a subset of number 27. Ms. Ninen noted that she had sent quite a few comments and Ms. Appleton had covered most of it. Ms. Appleton said that the items Ms. Ninen had submitted were the first eleven. She stated that a color copy with the incorporated revisions will be sent out on Monday. Mr. Atkins asked that after they receive the revisions if any commission members have any comments to get them directly to Ms. Appleton.

Commissioner Jim Pasin stated that he had concern about a statement relative to showers and lockers for bicyclists when there are other potential users such as walkers and joggers. Ms. Appleton referred them to the transportation element for them to read the sentence in its context as it currently exists in the Comprehensive Plan.

Commissioner Jeane Derebey arrived at 6:15 p.m.

Ms. Ninen expressed that if this was stated as a city goal she didn't think that was a direction that they wanted to go. Mr. Atkins said that it made sense to have bike racks but not showers. Ms. Appleton asked if the commission would like to recommend removing showers and lockers.

MOTION: Move to strike showers and lockers from the transportation element of the comprehensive plan. Ninen/Pasin – Motion passed unanimously.

Mr. Atkins asked that Ms. Appleton look and see if there is some combination bike rack thing that would provide something to lock up a helmet. Mr. Pasin said that he thought these kinds of things were provided at transit stops. Ms. Ninen said that there are those kinds of facilities at the park n ride.

Mr. Pasin asked about item 17 and said he had a concern with the traffic accident information as recorded by the police department and stated that he felt that it was misleading. He stated that he was hoping that the police accident reports could be accurately identified. Ms. Appleton said that when she gets the monthly reports they go through and look at the reports and read them and determine where the accident actually occurred.

Commissioner Dick Allen noted that Connie Schick had made a presentation at the last meeting and had questions about the frontage road along Highway 16. Mr. Dolan said that the developers of the property have discussed the construction of a freeway frontage road and that would come out at 96th street that will be necessary to provide access to the properties that will soon be in the city limits. Ms. Appleton said that they had a discussion with the Department of Transportation and they have a preliminary design; however, there is no money for it at this time.

Ms. Ninen asked why the Peacock/144th construction had ceased and Planning Director Tom Dolan answered that they have stopped that construction during the closure of Canterwood Blvd.

Mr. Pasin would like to note that with the addition of the hospital and other facilities in the area he felt that they needed to have some comment relative to mass transit serving the hospital and surrounding medical buildings. Ms. Appleton said that her discussions with Pierce Transit indicated that they are considering a Gig Harbor route once the hospital is built and the thought was that they would wait until they develop their route and then add it. Mr. Dolan asked if the Comprehensive Plan binds Pierce Transit in any way and Ms. Appleton said no. Mr. Atkins said that it might provide Pierce Transit some guidance about what we want. Ms. Appleton said that they could add something to the legend regarding potential future facilities. Mr. Atkins said that the stops within the city should be coordinated with us since we would know what the best areas are for stops. He further suggested that perhaps a goal could be added rather than trying to develop all the stops within the next week. Mr. Allen suggested just providing a map with all the medical facilities and retirement homes. Mr. Dolan said that he didn't think staff would

be able to develop a map within the next week; however, perhaps a general statement could be added. Mr. Atkins said that perhaps outside of the Comprehensive Plan we could help identify these things with Pierce Transit.

Mr. Dolan said that he would have Ms. Appleton come to the September 18th meeting and they could have a more complete discussion then.

Mr. Dolan informed the Planning Commission that the Planning and Building Committee had a meeting and discussed the Haven of Rest Cemetery which is part of the 96th Street Annexation and Terry Lee had invoked jurisdiction on that annexation at the request of Haven of Rest. He stated that he had met with them and our City Attorney had noted that our code would have them come in as an illegal use. Chapter 2.36 says that they are illegal and if they buried anyone after annexation they would be subject to fines and prosecution so to correct that problem there is an ordinance going to council that will indicate that only cemeteries that are existing would be allowed to come into the City of Gig Harbor but would come in as a legally non-conforming use. He went on to say that the problem with that is that they are not listed as permitted or conditional uses in any zoning district. Mr. Dolan said that the properties pre-annexation zoning is R-2 and that the cemetery wants to expand and a non-conforming use cannot expand. He stated that the Planning and Building Committee discussed that they need a conditional use permit to expand. He further explained that Haven of Rest if requesting that the city adopt an ordinance that allows existing cemeteries to expand with a conditional use permit, which requires a code amendment. Mr. Dolan stated that the Planning and Building Committee thought that was a great way to proceed but there is a problem with timing and the Planning Commissions current workload. He explained that the Planning and Building Committee has asked me to ask the Planning Commission if this would be an instance where the City Council could have direct consideration of a zoning change. He suggested that they may want to discuss this with the City Council at their joint meeting on September 29th. Mr. Pasin asked why are we reluctant to allow a cemetery to be a permitted use. Mr. Dolan said that the reason that Planning and Building Committee gave was that they have plans for expansion and plans to construct new buildings with a crematorium. He stated that the Planning and Building Committee had indicated a concern that if the property is surrounded by residential they should have an opportunity to comment on a new crematorium, have some say on the location on the grounds and adequate screening and setbacks. He noted it would be same as a church or a school or any other public facility in a residential area.

The Planning Commission decided to poll everyone. Ms. Derebey agreed with direct consideration, Mr. Pasin agreed, Mr. Atkins agreed, Mr. Allen agreed and Ms. Ninen agreed.

Mr. Pasin said that he felt that it was appropriate that they notice the community not just surrounding property owners.

Senior Planner Peter Katich explained a proposed amendment to the PCD-RLD noting that currently that district has a maximum of 4 dwelling units per acre and we are

proposing to set a minimum and maximum of 4 as part of our continuing effort to meet growth management act density requirements for the city. He informed that commission that we are anticipating one or more large residential developments that would be located within the PCD-RLD zone. Mr. Katich stated that this was an issue when the City Council Planning and building committee looked at the 2008 work program in July and at that time there was interest in moving this forward as quickly as possible to get this before council for direct consideration. He noted that the city has transmitted this ordinance to the Department of Community Trade and Economic Development per the requirements of the Growth Management Act and have granted us expedited review. He stated that he had briefed the Planning and Building Committee and they suggested having a discussion with the Planning Commission on whether it was appropriate for direct consideration with council. Mr. Dolan said that there are 200 acres in Gig Harbor North and if it was developed at 1 unit per acre then other areas of the city would need to be made more dense. Mr. Pasin said that as a long time member of the Planning Commission density had been discussed many times and he was opposed to letting it taking a fast track as it should have done a long time ago. Mr. Dolan reminded him that a project could be submitted within the next month. He suggested that perhaps there could be discussion of an interim ordinance that would sunset in a year so that the commission could then consider the item. Ms. Ninen asked if they could get a written staff report for the next meeting and Mr. Dolan agreed.

Acting Chair Harris Atkins called a recess at 6:58 p.m. The meeting was called to order at 7:05 p.m.

Mr. Atkins went over the schedule for these amendments and explained the process.

PUBLIC HEARING

1. **Harbor Reach Estates, LLC, PMB 79, 5114 Point Fosdick Drive, Gig Harbor, WA 98335 – COMP 07-0005** - Gig Harbor Wastewater Comprehensive Plan Amendment to Sewer Basin C14. The proposed Comprehensive Plan amendment would amend text and maps related to the Sewer Basin C14 in the Gig Harbor Wastewater Comprehensive Plan.

Mr. Dolan gave a summary of the proposal seeking to amend the text and maps for Sewer Basin C-14 to allow for construction of a pump station. He noted that the staff report states the criteria which the Planning Commission must consider and that staff had prepared a brief analysis of the criteria. Mr. Carl Halsan is here to speak on behalf of the proponent.

Mr. Atkins opened the public hearing at 7:10 p.m. and asked if anyone wished to testify, there being none he closed the public hearing at 7:12 p.m.

2. **MP8 LLC and Pioneer & Stinson LLC, 363 7th Lane, Fox Island WA 98333 COMP 08-0001** - 3700 Grandview Street Comprehensive Land Use Map Amendment. The proposed Comprehensive Plan amendment would change the land

use designation for 4.27 acres of property located at 3700 Grandview Street from a Residential Low (RL) designation to a Residential Medium (RM) designation. A development agreement accompanies this application to limit the rezone and ultimate development of this property.

Mr. Dolan explained that the proposed amendment would change the land use designation for 4.27 acres from RL to RM in the Comprehensive Plan they would then seek to rezone the southerly half of the property from RB-1 to RB-2 and rezone the northerly half from R-1 to R-2. He continued by saying that the purpose of the rezone is to construct a mixed use development that would include offices on the southerly half and duplexes on the northerly half. He noted that a development agreement will be completed as well.

Ms. Derebey confirmed that the current proposal was for 7 duplexes rather than the 8 shown; therefore, there would be reduced traffic from what was analyzed and Mr. Halsan confirmed.

Carl Halsan spoke for the applicant and noted that in the amended development agreement they have taken off the proposal for the frontage on Grandview since they do not have a proposal for the layout of the building. He also noted that there had been some additional wording changes in the development agreement and the City Attorney had suggested more specific language. Mr. Halsan pointed out that on page 8 of the staff report it stated that the applicant has not submitted enough information and he stated that the internal connections will be addressed at the time of development. Additionally, he noted that on the bottom of page 8 there was a term retail space and there is not much retail allowed in the zone, so he has changed the wording to state as allowed by the RB-2 zone. Mr. Halsan said that on the bottom of that page there was a question on about the tree retention and he clarified that there will be a 25' foot and 40' buffers. He then noted that on page 9 under goal 3.7 it states that the goal is to encourage building and it talks about the applicant providing a conceptual site plan and he just wanted to point out that it isn't part of the proposal right now. Mr. Halsan said that each building will be a mixed use building with non residential on the first floor with residential above. He also addressed where on page 11 it talks about the retention of trees and he noted that they have to save 20% of all significant trees.

Mr. Pasin asked if there was an existing agreement between the two owners as to the uses and the ability to use parking on one set of properties and that describes how they will use their properties jointly. Mr. Halsan answered that there is nothing developed yet.

Mr. Atkins stated that he went out to the site on August 22nd and drove along Butler and one member of the community had invited him to come into his backyard and he had done so. Ms. Derebey said that she had driven Butler as well.

Acting Chair Harris Atkins opened the Public Hearing on this issue at 7:30 p.m.

Charles Johnson, 3423 Shyleen St, Gig Harbor – Mr. Johnson stated that he wanted to testify in opposition to the proposal. He stated that he didn't see the need for the change in the comprehensive plan. Mr. Johnson pointed out that their application said they had a general discussion with the neighbors that was favorable but he didn't know of anyone they had talked to. He stated that comprehensive plans are about drawing lines and the line was drawn at Grandview and below it is quiet single family and once you start bringing this further down the hill it will destroy the neighborhood. Mr. Johnson noted that the comment period is still open for SEPA so he didn't see how the Planning Commission could make a determination yet. He stated that it seemed that the change they wanted was inconsistent with what they proposed. He said he was mostly concerned with the density and where we want increased density and development to occur. Mr. Johnson went on to express his concern with runoff and tree retention. He stated that he objected to the statement that this is the gateway to the downtown as this is a single family area.

Kae Paterson, 7311 Stinson Ave., Gig Harbor - Ms. Paterson stated that she had been on the Planning Commission for many years and this was her neighborhood and although it has changed somewhat over the years they still operate as a neighborhood. She noted why some of the designations had been put in place and why the line had been drawn at Grandview. She noted the differences in the minimum lot size standards and finished by saying she would like to preserve the single family neighborhood.

Carol Bergman, 3702 Butler Drive, Gig Harbor - Ms. Bergman said that she was a very concerned neighbor this project was immediately adjacent to her property. She pointed out her property on the map. She voiced her concern about development of the land on a number of levels and losing the trees to development. Ms. Bergman also said she was concerned about the grading of the land and the possible runoff. She pointed out that the 7 duplexes are also described as attached units or stacked units and stated that she was disturbed that there was an indication that this new building would act as a catalyst to improve their properties.

Kit Kuhn, 3104 Shyleen, Gig Harbor – Mr. Kuhn stated that he cared a lot about how the harbor is perceived and how it grows and he didn't agree with the proposed plan. He said that he knew that someone had the right to develop their property but not as intense as this. Mr. Kuhn noted that there are signs at this entrance that say city center so this is really an entrance to Gig Harbor and asked if we wanted to be remembered for an attractive entrance to Gig Harbor or just dense development. He noted that there is a water problem in the area and he did think there would be a problem with runoff. He went on to say that although there are buffers there are not that many trees in the buffer and that someone can develop the property without this density. Mr. Kuhn emphasized that there is a reason for the rules and they should not be broken at the cost of surrounding neighbors since he felt it would change the character. He then talked about Jerisich Center and the view from the water and asked that the commission consider all angles.

David Storrar, 7305 Pioneer Way, Gig Harbor – Mr. Storrar said that he took issue with the statement that there was public support for this project and he was not in support. He said that his main concern was businesses creeping down the hill and stated that they wanted to keep it a single family neighborhood. He agreed with Mr. Kuhn that this is the entrance to the city and he didn't think that you would want the main entrance as big tall buildings. Mr. Storrar expressed his value of the trees when he comes across the bridge and finished by saying that he didn't think that the city was in the business of making sure that developers make money on their property.

Paul Keane, 7209 Pioneer Way, Gig Harbor - Mr. Keane said he was new to the community and the reason he chose to live here is the family small town feel and the open space close to his home. He said he was not opposed to development but would like to see smart development and noted that he didn't see a buffer along Pioneer. He voiced his concern about traffic and light pollution.

Marty Paul, 3312 Rosedale Street, Gig Harbor WA 98335 – Mr. Paul stated that he was one of the owners of the LLC proposing this project and his family has lived in Gig Harbor for over 100 years, his grandfather is Ed Finholm and that it was appalling to him that someone would think that he didn't care about this community. He wanted to point out that there is an ability to improve the property for 17 homes or commercial. He stated that there will be a project on this property and they were trying to be patient enough to achieve a project that is in the goals of the Comprehensive Plan. He stated that he could build 5 commercial buildings on this property and that there are several commercial properties that exist adjacent and they have been relatively dilapidated and they hoped that these adjacent property owners may do the same thing. He went on to say if he builds 5 commercial buildings there will be no residential. He pointed out that they will have 90 feet of buffer which is more than what will be required if they don't get this amendment and that this project will provide stormwater detention. Mr. Paul said that his grandfather would be disappointed if he built 5 - 5,000 square foot buildings. He stated that he had been a part of several committees to help provide economic stimulus. He stated that they have agreed to a development agreement that will restrict what they can do. He finished by saying that they had donated to lots of community projects and this is not some California developer.

Bill Fogarty, 3614 Butler Drive, Gig Harbor - Mr. Fogarty said that when he hears Marty Paul note that he could do something more he wanted to point out that part of his property is still R-1. He then talked about tree preservation. He noted that when Mr. Paul purchased the property he knew that it was R-1 and he didn't want 7 duplexes above him and if this is allowed there are going to be problems.

William Lind, P.O. Box 1157, Tacoma WA 98401 – Mr. Lind said he wanted to talk about procedural issues. He stated that by changing the comprehensive plan all you are saying is that this development could happen, you are just creating the possibility. Mr. Lind said that if this is approved then the applicant will be required to rezone and there will be another public hearing, then site plan review with another public process, and they will have to meet design review, storm water, landscaping etc. and that is the

point at which these detailed development plans will be resolved. He pointed out that if the Comprehensive Plan were not intended to be changed then we would not have this process and that they do not have to demonstrate need, but rather meet the 13 other requirements. He went on to say that one of the reasons that a comp plan amendment is permitted is that changes occur, and that they thought that there was an opportunity to draw the line in a better place that is more consistent with the city's goal.

Mr. Pasin asked if in the development agreement they would be willing to add that should their project move ahead that all the significant buildings be subject to design review whether they meet the existing criteria or not. Mr. Halsan answered that they would have to talk about that and get back to them before the next work session. Ms. Ninen asked about the duplexes and if they will be rentals or condos and Mr. Halsan answered that they will not be rentals.

Acting Chair Harris Atkins closed the public hearing at 8:12 p.m. He called a recess at 8:15 p.m. The meeting was reconvened at 8:20 p.m.

3. Michael Averill of Lighthouse Square LLC, 3720 Harborview Drive, Gig Harbor WA 98332 COMP 08-0003 – 3720 Harborview Drive Land Use Map Amendment. The proposed Comprehensive Plan amendment would change the land use designation for one parcel of property (approximately ¼ acre) located at 3720 Harborview Drive, currently occupied by Lighthouse Marine and Speedy Auto Glass, from Residential Low (RL) designation to a Residential Medium (RM) designation.

Planning Director Tom Dolan stated that this is a request to change land use designation and is not a rezone request. Mr. Dolan stated that this request is to change this half acre piece of property from RL to RM and the property is currently zoned R-1 and the two businesses are legal nonconforming uses. He noted that there are no zoning designations within RM which would allow them to be conforming uses so they have amended their application to note the understanding that the most they could rezone to would be RB-1. He explained that they would like this designation so that if the uses are abandoned they would be able to rezone for a modest office building on the site. RM allows for R-2, R-3 and RB-2; however, because of the requirement that the property be at least 2 acres in size or increase a neighboring district the only zone they could achieve would be RB-1. Mr. Dolan noted that the SEPA appeal period is not over until September 22nd and the appeal period will be up before the City Council consideration.

Mary Averill, 4020 52nd St Ct NW, Gig Harbor – Ms. Averill explained that their property is located on a busy intersection with one side residential and one side is the yacht club and across the street is the Eddon Boatyard. She noted that their property has been used commercially for over 80 years and that the four of them have owned it since 1997 and have had their business for 20 years. She stated that their intent is to feel that they have options with the property to make it more useful for the city as well. Ms. Averill went on to say that they also feel that if this property were to sell the chances are remote that it would be purchased for a single family home. She said that the city has done an appraisal and the location is more conducive to business. She stated that they

felt that it made sense to amend the plan to residential medium to make it more usable in the future and make it more compatible with surrounding uses.

Mr. Pasin asked if when the city had indicated an interest in your property did she know what they proposed to do with it. Ms. Averill said she didn't know. Mr. Pasin asked if staff could find out and Mr. Dolan said yes. Ms. Ninen asked if they planned to stay in their current location and Ms. Averill said that they wished to stay.

Acting Chair Harris Atkins opened the public hearing at 8:30 p.m.

Rich Swanson, 14618 42nd Ave Ct NW, Gig Harbor – Mr. Swanson brought a picture of the business back in the 30's and noted that the building hadn't changed a whole lot. He stated that it was a car dealership until 1972, then a marine business came in and after they left it was a rental company and then a marine company and then a glass company. He went on to say that the use of the property has always been automotive or heavy commercial and they realized that this is not really a good use of the property at this time so they were just asking for consistency with the yacht club. He said that if they have to move, they have to plan ahead and have a use for the property and don't think residential is the right designation. He said he had approached the city and they ordered the appraisal and he had suggested that it would be a good place for parking.

Nick Jerkovich, 3710 Harborview Dr., Gig Harbor - Mr. Jerkovich said that his property directly adjoins the property being developed. He said he would like to look at the fact that if they have no intentions of moving or changing anything then maybe we should see how the new park develops. He said he would like to see it left the way it is and try to see what happens in the future with the park. He said he didn't want a two story building from one line to another because it would be more congested. He asked the Planning Commission to please keep it how it is until we see what happens in that area.

Acting Chair Harris Atkins closed the public hearing at 8:39 p.m.

Mr. Atkins stated that at the next meeting they will go through the criteria for each one of these items and come to some determination as to a recommendation and asked that if any of the commission members had requests for additional data then to please bring that to staff attention at this time. Ms. Ninen felt that she was pretty clear and could go forward with the information she had. Mr. Allen asked Mr. Dolan on the Pioneer/ Stinson amendment what their charge was specifically and were they going to get involved in the development agreement. Mr. Dolan answered that their charge is to make a recommendation to the City Council as to whether the Comprehensive Plan amendment should be approved. He stated that they have the criteria and certainly the development agreement that is proposed which limits the use and zoning of the property is an element for their consideration.

Mr. Pasin said that the reason he brought up the point about design review is that the Design Review Board has had some concern that there have been some projects that could have been better if brought through the design review process and his feeling was

that this could be one of those projects that could better serve the community if it went before the Design Review Board. Ms. Derebey asked if they had the ability to ask that changes be made to the development agreement. Mr. Dolan said they could recommend that the City Council if they approve the comprehensive plan amendment that it be done with these conditions. He also noted that they could have some of that discussion at their joint meeting. Mr. Atkins asked if the development agreement only comes into play in as far as scoping what can happen on the property. Mr. Dolan said that the purpose of the development agreement is that it is a promise from the developer what zones they will seek and after those zones are applied what uses would be allowed in the zones. He added that the concurrency issue is addressed through the provision that they understand that they can't come in for a rezone until there is concurrency. Mr. Atkins said that lets say this land designation is changed and they decide not to pursue development and sell the property to someone else and some new party comes in and requests a rezone. Mr. Dolan said that the development agreement is recorded and runs with the property. Mr. Atkins asked who takes that action to record that and Mr. Dolan said the city does. Mr. Dolan reminded them that it may be argued to change the development agreement. Mr. Atkins also said that there is nothing that prevents them from getting a variance from setbacks. Mr. Dolan agreed that he didn't see anything in the development agreement that would preclude that; however, it is very difficult in Gig Harbor to get a variance.

Mr. Atkins said that the applicant had made several statements about what could be done and he would like to know what could be done on the property and could they discuss this at the next meeting. Mr. Dolan said he would get clarification on that. Mr. Pasin said his final comment was regarding Lighthouse Marine. He stated that because of the location of this property it is a historic waterfront piece of commercial property He asked that the Planning Commission think about whether they could make that parcel waterfront commercial to make this a conforming business.

ADJOURNMENT

MOTION: Move to adjourn at 9:00. Ninen/Derebey – Motion carried.