

ORDINANCE NO. 1164

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING A CITY-INITIATED REZONE OF 11 PARCELS CONSISTING OF 17.97 ACRES FROM RB-1 AND R-1 ZONING DISTRICTS TO EMPLOYMENT DISTRICT (ED), LOCATED JUST EAST AND SOUTH OF SEHMEL DRIVE NW; PIERCE COUNTY ASSESSOR PARCEL NUMBERS 0122361001, 0122361006, 0122361008, 0122361009, 0122361013, 0122361066, 0122361067, 0122361068, 0122361077, 0122361078 AND THE SOUTHEAST PORTION OF PARCEL NUMBER 0122361045 WHICH LIES EAST OF SEHMEL DRIVE NW; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on March 23, 2009, the City Council adopted Ordinance No. 1156 which annexed property known as the Burnham Sehmel annexation area to the City of Gig Harbor, and the annexation took effect on April 6, 2009; and

WHEREAS, the current Comprehensive Plan land use designation for 11 parcels within the annexed area, located just east and south of Sehmel Drive NW consisting of 17.97 acres, is Employment Center (EC), and the current zoning district for these parcels is Residential Business (RB-1) or Single-Family Residential (R-1); and

WHEREAS, the existing EC comprehensive plan land use designation anticipates employment-based and industrial development; and

WHEREAS, of the 17.97 acres subject to this rezone, 13.5 acres are currently being used for light industrial or ministorage; uses which are consistent with Employment District (ED) zoning; and

WHEREAS, the ED zoning district is the only zoning district which implements the EC land use designation; and

WHEREAS, prior to the annexation, the County zoning for this property was Community Employment (CE), and the City's ED zoning district is similar to and consistent with Pierce County's CE zoning district; and

WHEREAS, the City Council initiated a request for an area-wide rezone of the subject properties for consistency with the Comprehensive Plan land use designation and forwarded the request to the Planning Commission for consideration; and

WHEREAS, the proposed rezone is a Type V action as defined in GHMC 19.01.003(B) for area-wide zoning map amendments; and

WHEREAS, a final decision for a Type V application shall be rendered by the City Council after a recommendation from the Planning Commission as per GHMC 19.01.003(A); and

WHEREAS, the Planning Commission held a work study session on April 2, 2009 and held a public hearing on the area-wide rezone on April 16, 2009, and recommended approval; and

WHEREAS, on April 3, 2009, the proposed area-wide rezone was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) for the proposed rezone was issued on April 22, 2009 and was not appealed; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 26, 2009; and

WHEREAS, on June 8, 2009, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Criteria. Zoning map amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Applications for amendments to the zoning district map may only be approved if all of the following criteria are satisfied:

- A. The application for the zoning district map amendment must be consistent with and further the goals, policies and objectives of the comprehensive plan;
- B. The application for the zoning district amendment must further or bear a substantial relationship to the public health, safety and general welfare;
- C. No substantial detrimental effect will be caused by the granting of the application for the amendment;
- D. The proponents of the application have the burden of proof in demonstrating that conditions have changed since the original zoning or original designation for the property on the zoning district map. (GHMC 17.100.035)

Section 2. Findings. The City Council considered the recommendation of the Planning Commission, and makes the following findings in relation to the criteria of approval in section 1 above:

- A. The Comprehensive Plan has designated this area Employment Center (EC). The Employment District (ED) zoning more properly implements the EC comprehensive plan designation than the present RB-1 and R-1 zoning districts. The proposal to rezone the subject properties to ED is consistent with and furthers the goals and policies of the Comprehensive Plan.
- B. Allowing the continuation and future expansion of legally established industrial uses (under County code) will further the general welfare of the citizens of Gig Harbor by providing additional employment and industrial opportunities within the City. Safety and public health will be addressed at the time of further development through a number of City regulations including requirements for all new development to be served by sewers, limitations on road access points, traffic concurrency and other public works standards. The future development of the properties will have to address public health and safety concerns.
- C. No substantial detrimental effect would be caused by the granting of this rezone request. The majority of the properties within the rezone area currently contain uses consistent with the intent of the ED zoning district: ministorage and light industrial. While four single-family homes exist in the rezone area, those homes will be allowed to remain; and, in the event of damage or destruction by an act of nature, the owners may rebuild those homes.
- D. Prior to the annexation of this property on April 6, 2009, the City had not yet conducted a thorough review of the subject area, existing uses and appropriate zoning. In addition, the pre-annexation zoning did not take into account the County's zoning of the property as Community Employment. Uses were established under the County zoning which met County codes, but not the City's pre-annexation zoning. The proposed rezone recognizes the existing uses legally established under county regulation.

Section 3. Rezone. The 17.97 acres of real property located just east and south of Sehmel Drive NW, as shown on Exhibit "A" attached hereto and incorporated by this reference, including tax parcel numbers: 0122361001, 0122361006, 0122361008, 0122361009, 0122361013, 0122361066, 0122361067, 0122361068, 0122361077, 0122361078 and the southeast portion of parcel number 0122361045 which lies east of Sehmel Drive NW, are hereby rezoned from RB-1 and R-1 to Employment District (ED).

Section 4. Zoning Map. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by section 3.

Section 5. 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 6. Effective Date. This ordinance shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 8th of June, 2009.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

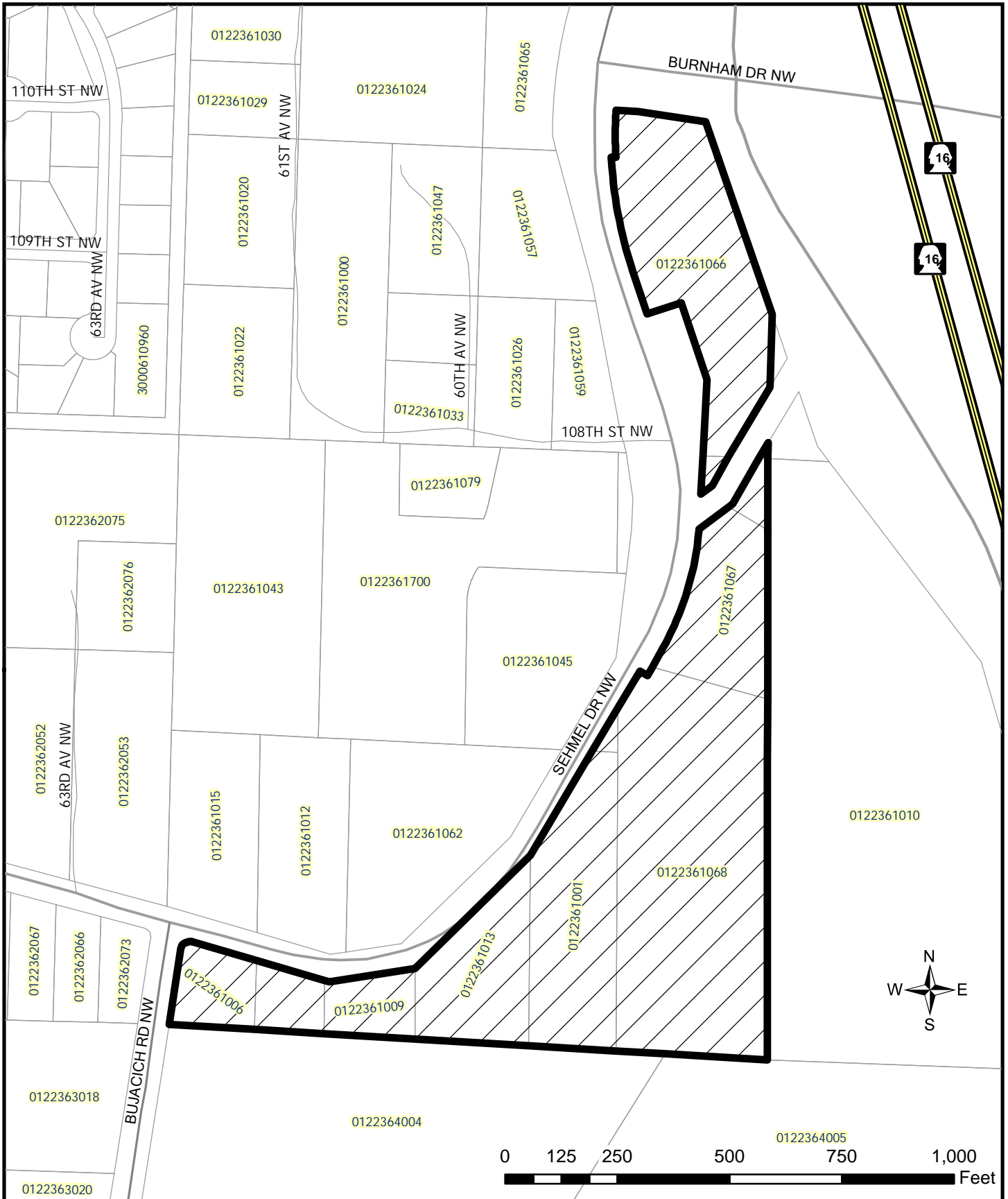
APPROVED AS TO FORM:
Office of the City Attorney



Angela S. Belbeck

FILED WITH THE CITY CLERK: 05/20/09
PASSED BY THE CITY COUNCIL: 06/08/09
PUBLISHED: 06/15/09
EFFECTIVE DATE: 06/20/09
ORDINANCE NO: 1164

Exhibit A



Sehmel Drive Area-Wide Rezone ZONE 09-0003