

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
March 20, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Harris Atkins, Jeane Derebey and Dick Allen. Commissioners Theresa Malich, Jill Guernsey and Joyce Ninen were absent. Staff present: Jennifer Kester, Tom Dolan and Diane Gagnon.

CALL TO ORDER: 6:00 p.m.

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – ZONE 08-0001 – Nonconforming use and structure amendments.

Senior Planner Jennifer Kester went over the changes made to the draft ordinance since the March 6, 2008 public hearing on the amendments. She ran through the six areas where she had made changes based on comments at the last meeting.

Discussion was held on interior remodels and that they should not increase the nonconformity of the structure. Commissioner Harris Atkins asked about the applicability of the section and Ms. Kester answered that this section did not apply to nonconformities in the building code but rather to Title 17.

Commissioner Jim Pasin voiced his concern with the 50% limitation over the lifetime of the structure. Mr. Atkins said that he felt that Item C was easier to understand than D and perhaps we should eliminate one and Ms. Derebey said no, she felt they needed both. Ms. Kester explained the importance of spelling out in any nonconformity section how the nonconformity is supposed to go away. Ms. Derebey felt that there should be two separate clauses. Mr. Atkins pointed out that by saying “eliminating nonconforming status” implies that it’s conforming. Ms. Kester agreed that it could be written better. Mr. Pasin said that he didn’t think they were looking at what this could mean if we have this threshold over the lifespan of the building. Mr. Atkins expressed that he had done research with other cities and this type of code was typical and in fact this code was more liberal than most. Mr. Allen also felt that this section of code was a terrific burden on the property owner. Ms. Kester went over things that don’t trigger replacement costs, highlighting that most things will not trigger this section of code.

Mr. Pasin asked about the section on enlargement of a nonconforming use being prohibited. Ms. Kester explained that if there were two tenants and one was conforming and one was nonconforming we would not allow the nonconforming tenant to expand or move. Mr. Dolan explained that this was not tightening up any regulations but rather making them more liberal. Mr. Atkins asked about the number of nonconformities in the city and Ms. Kester answered that most towns have expanding numbers of nonconforming structures and uses. Mr. Pasin again expressed that he didn’t feel that people should be penalized for having a nonconforming use and Mr. Atkins explained

that it is not penalizing people it is making what they do in the future comply, they do not have to do anything if they don't want to.

Mr. Pasin asked what was meant by the section on damage by greater than 50%. Ms. Kester answered that it is based on replacement costs. She gave an example that if you have lost a wall, you have the lost the value of the wall. Ms. Derebey asked if replacement value would be better than loss value. Ms. Kester said she was willing to make a note and consult the City Attorney to see if that wording was appropriate. Mr. Pasin asked about the section on when a use is considered discontinued, where it says "the structure, or a portion of the structure is not being used for the use allowed by the most recent permit." Ms. Kester said that she could ask the City Attorney if there were words that could be added to make it clearer so that the existing nonconforming use could not cease using a portion of a building and then begin using it again so as to assure that the vacant space loses it's status not the occupied portion. Mr. Pasin asked about number three and if that conflicts with the rule that says if it's discontinued more than a year. Ms. Kester said that it does not and if you leave a nonconforming use for less than a year then you can go back and continue the use.

Mr. Atkins asked about number four and it's intent. Ms. Kester explained when it would apply. He then asked about Item D and verified that Ms. Kester would work on the language.

Ms. Kester asked if they wished to make a recommendation based on the clarification of some of the language.

MOTION: Move that with the clarifications discussed tonight that we recommend these amendments be given to the City Council for their study. Derebey/Allen – Motion carried.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 -
Neighborhood Design Areas.

Mr. Atkins stated that he was thinking that they would discuss two aspects of this issue; the methodology and then how you deal with adjacent zones. He suggested that we limit the discussion to 30 minutes and then finish with Item 3. Ms. Kester then went over the design manual to explain the organization. She asked how they wanted to tell the public which sections of the design manual apply to their area and did they want to have a matrix or did they want to have it on each requirement what areas it applies to. She also suggested that there was another way which was to take one design manual and make eight design manuals, one for each design area. She also pointed out that they may want to get the DRB input on that. Mr. Pasin talked about how some of the design requirements were difficult to administer for fill in development. Mr. Atkins felt that as they went through the process it may become clearer as to what is the best communication tool. Ms. Kester explained that they had chosen to do the Northwest Industrial area first and perhaps once they decide what is okay in that area then staff can suggest what standards would not be necessary. She also said that when they get

to more complex areas like the Westside they might have to approach it differently. Discussion followed on a possible design matrix and Ms. Kester explained the layout of the manual and how the staff uses a checklist.

Vice Chair Harris Atkins called a five minute recess at 7:25 p.m. The meeting was reconvened at 7:30 p.m.

Mr. Atkins said that we will discuss this further at the next meeting and hopefully we will have some Design Review Board members at the next meeting. Ms. Kester said that staff will go out and take some pictures to begin the discussion on what should apply in the Northwest Industrial area.

Mr. Allen asked if we could look at other areas and Ms. Kester said that she felt that this was more of a matter of deciding which of our current standards apply where rather than creating any new standards. Mr. Atkins said that what she had suggested were good ideas and then this could be discussed further.

Mr. Pasin would also like to discuss setbacks, parking within the discussion of the neighborhood design areas. Ms. Kester said that we would not be discussing parking and setbacks as those were not part of the design manual.

The discussion then moved to the interface areas and what would happen within those areas. She explained that the standards may be so different from area to area and asked if they wanted to provide some transition or are the delineations fine. Mr. Pasin said that he felt that the big challenge in this was talking about residences. Ms. Derebey said that we also are not just talking about residences it's residential coexisting with commercial and having it reflect the neighborhood. Mr. Dolan said that the point was that we have design areas that are adopted and now we have to figure out how to implement them. Ms. Kester said that once we develop the standards we may discover that there is not enough of a difference between the areas.

Mr. Pasin gave an example of zone transition and Ms. Kester explained that it is site specific. Ms. Derebey said that the underlying zoning is what is going to help this issue and Mr. Allen agreed. Mr. Atkins felt that there should be some mechanism for when there is a problem. He thought that there should be a way that they can choose to go to the DRB. Mr. Allen agreed that there has to be some rational way of dealing with issues, he also felt that roads were good separators between areas but it mattered if they were large roads or small roads.

3. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 -
Appropriateness of RB-1 zoning district locations and allowed uses in the RB-1 zone.

Ms. Kester stated that there were two parts to this. She stated that we could hold a public hearing where we solicit some input from property owners. She asked if they wanted to continue this discussion later this year when they have a starting point for public comment. Mr. Dolan said that perhaps they should have the public hearing

before they even discuss the matter. Ms. Kester pointed out the e-mail from Commissioner Joyce Ninen on the RB-1 issue. Mr. Atkins asked why there was RB-1 and RB-2. Mr. Pasin thought that the RB-1 enabled some of the original retail areas to continue to exist and RB-2 was developed to enable the community to have more of a neighborhood business environment. Mr. Atkins said that he had looked at some of the allowed uses along with some of the properties and it does seem like it's an interesting collection and some of them seem like they should have a more intense use.

Ms. Kester felt that they should really look at the issues identified when they did the matrix, figure out what the zoning should be for the parcels that don't seem to fit with RB-1 and leave the rest, then have a public hearing. Ms. Derebey pointed out that they had done some of that at the last meeting and asked what they needed to do to move to a public hearing. Ms. Kester explained that it could be site by site as some we may know what we want to change it to and some we may not. Mr. Allen said we will get some lopsided testimony. Mr. Dolan said some areas need some specific recommendations. Mr. Allen asked if they wanted to zone them for what is happening on the site or do we want to invent the future. Mr. Atkins gave some examples of sites and what may be good. Ms. Derebey clarified that they either have to make a suggestion prior to the hearing or just ask for comments. She stated that she felt they needed to make suggestions prior to the hearing. Mr. Pasin said he felt they should make suggestions prior. Everyone agreed. Ms. Kester reminded everyone how this subject came up in the first place and that the Planning Commission had suggested that they look at the RB-1 zones.

Discussion was held on the parcels in Purdy zoned RB-1. Mr. Pasin said that he felt it should be RB-2, then changed his mind to B-2 so it would match the other side of the road. Mr. Dolan asked what the county zoning was and Ms. Kester said that it was Neighborhood Center because they are mimicking our zoning as we asked them to do. Ms. Derebey said she could see that it should serve as a transition. Ms. Kester then checked the land use designation and it was Public Institutional so it may require a comp plan amendment. Mr. Pasin said he was okay with RB-2 or B-2. Mr. Atkins said he thought it should be RB-2 or B-1.

Ms. Kester said that given the discussion, maybe they were not ready to have a public hearing on this issue, as we are going to have to work through these areas. Mr. Atkins suggested that they go through the list and everyone come back to the next meeting with suggestions to help the discussion.

Ms. Kester then went over the schedule and the three housekeeping amendments that staff was proposing for direct consideration by the council. No one saw any problems with direct consideration. She went over the items on the work program for the second quarter. She asked if they wanted to continue the RB-1 discussion at an April meeting. Mr. Atkins asked if they were still going to discuss the Planning Commission Comprehensive Plan amendments. Ms. Kester said she needed more detail by the end of the April 3rd meeting in order to accomplish this. It was also decided that this RB-1 item would be discussed at the April 3rd meeting.

Mr. Atkins said that he would send out an e-mail reminding each person their homework.

ADJOURN

MOTION: Move to adjourn at 8:50 p.m. Derebey/Allen