

**City of Gig Harbor Planning Commission  
Minutes of Work-Study Session  
February 21<sup>st</sup>, 2008  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Harris Atkins, Theresa Malich, Joyce Ninen, Dick Allen, Jill Guernsey and Jeane Derebey. Staff Present: Tom Dolan and Cindy Andrews.  
Commission member Jim Pasin arrived at 7:05 pm

**CALL TO ORDER:** 6:10 pm

**APPROVAL OF MINUTES:**

**MOTION:** Move to table the minutes from February 8<sup>th</sup>, 2008 until meeting of March 6<sup>th</sup>, 2008. Atkins/ Ninen – Motion passed unanimously

**NEW BUSINESS**

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335-**  
ZONE 08-0003 – Appropriateness of RB-1 zoning district locations and allowed uses in the RB-1 zone.

**Purdy Dr. and 144<sup>th</sup> St NW**

Ms. Guernsey asked what currently occupied the site. Mr. Dolan replied an auto repair business and a single family residence. Mr. Atkins asked if RB-1 would be an appropriate use. Ms. Ninen felt that RB-2 would be a more appropriate use. Ms. Derebey asked if there had been any single family residences in the affected area. Ms. Ninen and Ms. Guernsey pointed out the residential homes in the area. Mr. Allen asked if the auto repair shop would be non-conforming. Mr. Dolan replied yes.

**Purdy Drive**

Mr. Dolan pointed out the site on Purdy Dr. noting that Aspen Land Surveying Company currently occupied the site and that the use would continue to be a permitted use. Mr. Atkins asked if it would be an appropriate use.

**Sehmel Drive**

Mr. Dolan described the Sehmel Drive piece. Ms. Ninen asked if it had been included in the Burnham / Sehmel Annexation. Mr. Dolan replied yes. Mr. Dolan stated the annexation area included approximately 380 acres incorporating all of the UGA area in to Purdy extending over to the Women's Prison. Mr. Allen asked what the zoning designation would be. Mr. Dolan replied predominantly R-1 with some ED zoning. Mr. Atkins asked if the applicant had been willing to zone to current zoning.

**Peacock Hill Ave and Ringold Ave**

Ms. Derebey and Ms. Malich felt the property should be zoned R-1. Mr. Atkins suggested R-2 multi-family would be a more appropriate use. Ms. Ninen and Ms. Derebey agreed residential with a higher density would be appropriate. Mr. Dolan suggested other uses such as nursing homes or assisted living would also be allowed. Mr. Atkins agreed it should be changed to R-1 or R-2.

### **Burnham Dr.**

Mr. Dolan noted the property included 3 lots situated between Burnham Dr. and Harborview Dr., next to the Puerto Vallarta Restaurant explaining that the zoning to the north would be B-2. Ms. Malich felt that RB-1 would be a nice transition zone. Ms. Guernsey discussed rezoning the lots to different designations. Mr. Atkins asked if the lots would be conforming uses. Ms. Malich preferred RB-1 suggesting that the lot abutting Burnham Dr. be a higher use than the lots fronting Harborview Dr.

### **Peacock Hill Ave and North Harborview**

Mr. Dolan noted the areas surrounding the site as single family residential. Ms. Malich noted single family would be an appropriate use. Mr. Atkins and Ms. Ninen agreed. Ms. Malich would like to keep it as is.

### **Stinson Ave** – (Spadoni Corner)

Ms. Ninen explained her concern that the site currently operated as a non-conforming site suggesting a zoning of R-2 or R-3 would be more appropriate. Mr. Allen suggested commercial zoning. Ms. Ninen disagreed noting traffic concerns suggesting a higher density residential would be the most appropriate. Ms. Malich agreed asking if other sites in the vicinity would also have to be rezoned. Mr. Dolan responded no. Ms. Derebey and Ms. Ninen had concerns with rezoning to R-2. Ms. Malich suggested mixed use buildings. Ms. Ninen agreed. Ms. Derebey explained the location would be good for new restaurants. Ms. Malich asked if the property were to be changed to mixed use would another dirt place be allowed. Mr. Dolan replied no.

### **Soundview and Harborview** – (Haub property)

Ms. Ninen asked if the property would be impacted by the shoreline master program also asking if there had been any plans for development. Mr. Dolan replied no suggesting that RB-1 could be a good use. Ms. Ninen and Ms. Derebey agreed. Mr. Atkins asked if the designation in the comprehensive plan would be single family residential. Mr. Dolan replied yes. Mr. Atkins suggested leaving the property zoned as is.

### **Grandview and Stinson**

Ms. Ninen asked if the property close to the freeway had been included. Ms. Malich suggested a more intense residential zoning. Ms. Malich would like to see what the public has to say about the area. Mr. Atkins discussed the property to the east of Stinson Ave explaining that it would make more sense for those properties to be included in an RB-1 zone however the other properties closer to the freeway would be better zoned for restaurants and service stations. Ms. Ninen agreed.

### **West Side of the Highway** - Near Stroh's Field

Mr. Dolan noted that the property bordered the proposed Pierce Transit Park-n-Ride facility to the north and single family residential to the south. Ms. Ninen suggested that RB-2 would be an appropriate zone. Mr. Allen agreed stating as long as there would be sufficient buffering. Ms. Derebey agreed

### **Top of Soundview**

Ms. Ninen stated that the zoning appeared appropriate. Ms. Malich agreed suggesting that there would be no need to further discuss this item.

## **56<sup>th</sup> St and 38<sup>th</sup> Ave**

Mr. Dolan discussed the business in the vicinity, a gas station, veterinarian clinic and a daycare on one side a chiropractic clinic and office across the street and SFR north of 38<sup>th</sup>. Ms. Guernsey suggested commercial. Mr. Pasin explained that attempts had been made in the past to use some of the property as commercial for development of a mini-storage facility. Mr. Dolan suggested that the uses be looked at again for appropriateness and gave staffs recommendation that the commission go ahead with the public hearing giving the public the opportunity to comment.

## **2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335-**

**ZONE 08-0001 (Previously ZONE 07-0031) – Nonconforming use and structure amendments.**

**Talking Point #1:** Should the provision for reconstruction of nonconforming uses in the event of an act of nature be extended to only residential nonconforming use or all nonconforming uses?

Mr. Pasin felt that the concern should be the use in a residential district not the structure. Mr. Dolan explained it may not be a residential zone it could be an RB-2 use in a C-1 zone. Ms. Derebey felt that if the structure had been destroyed than the nonconforming use should not be allowed to return. Mr. Dolan explained that the concern had been prompted by a tri-plex in a nonconforming zone. Mr. Atkins asked if structure should be damaged at 50%, no matter what the use, could they be rebuilt within 1 year. Mr. Dolan noted that the rule had been changed to 100% asking should the rule apply to residential and commercial. Ms. Derebey stated that she did not remember the issue of use as being a part of the conversation. Ms. Malich asked what the point would be in rebuilding if you could not have the same use. Ms. Derebey felt that if it is a non-conforming use the nonconforming use should not be allowed to return. Mr. Dolan explained that if the uses in some zones could be changed the use could then become conforming. Ms. Derebey suggested that the tri-plex issue should be reviewed. Mr. Atkins stated that by making the use a conforming use the issue would go away but not the problem of rebuilding them. Mr. Allen felt that that losing the nonconforming use would be too severe. Ms. Guernsey felt that someone who had already built there should be allowed to rebuild both residential and commercial in the event of destruction by nature. Ms. Derebey agreed that due to an act of fire they should be allowed to rebuild. Ms. Malich and Mr. Allen agreed. Ms. Ninen disagreed and would be opposed. Ms. Derebey, Mr. Atkins, Mr. Pasin, Ms. Guernsey and Mr. Allen agreed. Ms Ninen disagreed.

**Talking Point #2:** In the event of a nonconforming use reconstructing after an act of nature, should the structure / premise containing the use have to comply with only the current building/fire codes or should we ask that the structure comply with any many (Design Manual, Critical Area, Performance Standards) as possible while still maintaining the use.

Ms. Guernsey felt that the nonconforming uses should be brought up to conformity to the extent possible asking for clarification regarding the building size limits. Ms. Malich explained that would be one of the requirements. Mr. Pasin had been concerned with the downtown historic district front setback requirements. All members agreed with talking point #2

**Talking Point #3:** If we allow a nonconforming structure (with a conforming use) to rebuild after an act of nature, should it only comply with building and fire codes, or should we try to get compliance with the Design Manual or other performance standards, to the extent possible.

Commission members discussed talking point #3. Mr. Pasin stated his concern that it could make rebuilding impossible for the property owners. Mr. Dolan explained the property owner would be asked to become compliant only if it would be possible if not they would still be able to rebuild. Ms. Malich felt that the structures should fit in with other structures in the area. Mr. Atkins asked how the regulations would be negotiated. Mr. Dolan stated that in Tacoma anything rebuilt had to meet the current code requirements. Ms. Malich agreed that redevelopment should comply with the same design guidelines as new development. Mr. Pasin had been concerned that matching some of the older buildings would be difficult pointing out that a structure should be able to be rebuilt to the standards that it was previously. Ms. Guernsey asked how that would be stated. Mr. Dolan explained that two alternatives could be drafted for commission member's review and suggestions could be made prior to the public hearing. Ms. Guernsey asked if a list could be generated of the codes that should be considered. Mr. Atkins suggested the board could agree on an opinion but not commit until after public comment has been received at the public hearing. Mr. Allen also would like the public's opinion. Mr. Dolan asked for suggestions for language. Ms. Malich suggested that all structures come into compliance to the extent possible. Mr. Atkins, Ms. Ninen and Ms. Derebey agreed. Mr. Allen and Mr. Pasin disagreed. Ms. Guernsey agreed to the extent that there should be no loss of square footage emphasizing that the language should be clear. Mr. Dolan explained that if a structure had been destroyed and could not meet the design requirements the Design Review Board could use their discretion for approval.

Mr. Atkins left at 8:00 pm.

**Talking Point #4:** Should an allowance be given to a property owner who intentionally alters or damages a nonconforming structure (such as a remodel).

Mr. Pasin asked regarding larger structures what would be wrong with remodeling 1/3<sup>rd</sup> at a time. Ms. Guernsey asked if the structures would be required to stay within the building footprint. Ms. Malich commented that intentionally altered or damaged nonconforming structures should not be allowed to rebuild as non-conforming. Mr. Allen asked if the structure had been a SFR and replaced by a new and better designed SFR would that not serve the community better than what had been there before. Mr. Dolan explained that a SFR can be repaired or remodeled but could not be completely torn down and rebuilt to the pre-existing nonconformity. Mr. Pasin agreed with the remodel situation but if the home is intentionally damaged he would not agree. Mr. Dolan suggested that staff could draft the ordinance and present it at the public hearing for discussion. Ms. Ninen discussed the percentage of structure that would be allowed to be replaced. Mr. Dolan clarified that percentage of allowable replacement for remodels at 50 % over a lifetime of the structure. Mr. Allen asked if there would be time limits. Ms. Guernsey responded yes 1 year. Mr. Pasin asked if the would be based on the application submittal or the complete application. Mr. Dolan responded a complete application. Mr. Allen asked if provisions had been provided for extensions. Mr. Dolan responded no.

Ms. Malich and Mr. Allen leave at 8:15 pm

2. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335-**  
ZONE 08-0002 – Adding triplexes and fourplexes as conditional uses in the R-2 zoning district

Mr. Dolan discussed the number of nonconforming tri-plex and four-plex units inside city limits asking if commission members would like to change the code to allow them as conditional uses explaining that the density would also need to be changed. Ms. Ninen discussed the minimum density requirements. Mr. Dolan explained that minimum density had to meet the growth management goals noting that it could be a discussion for city council and planning commission to discuss later, noting that they should not be penalized for not meeting density. Mr. Pasin asked if a minimum had been stated in R-1. Ms. Guernsey stated we are talking about adding the minimum explaining that it would be urban density so it should be 4 units per acre and only for new structures. Ms. Derebey asked how that would be applied to existing uses. Ms. Guernsey suggested allowing them in R-2 zones. Ms. Derebey asked how that would apply to existing properties. Mr. Pasin asked if they would be permitted out right in R-2 Ms. Derebey stated that R-2 seemed to be the proper place for them. Ms. Guernsey agreed but as a conditional use. Ms. Derebey asked why a conditional use rather than permitted use. Ms. Guernsey explained that a conditional would provide the public an opportunity to comment. Mr. Dolan summarized the conditional use criteria. Ms. Derebey and Ms. Ninen agreed that it should be a conditional use. Mr. Pasin disagreed.

### **ADJOURNMENT**

**MOTION:** Move to adjourn. Derebey / Ninen – Motion passed.