

RESOLUTION NO. 1157

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT FOR THE COURTYARDS AT SKANIE PARK, LOCATED AT THE NORTHEAST CORNER OF HUNT STREET AND SKANSIE AVENUE; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBERS 0221074050 AND 0221074072, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-19-0002.

WHEREAS, on January 24, 2007, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat approval and a conditional use permit to The Courtyards at Skanie Park, located at the northeast corner of Hunt Street and Skansie Avenue; and

WHEREAS, on February 13, 2007, the city of Gig Harbor timely filed an appeal of the Examiner's decision under the State Land Use Petition Act (Chapter 36.70.C RCW) alleging that the Hearing Examiner improperly allowed the project to increase density through the conditional use permit process; and that the Examiner improperly imposed a special condition on the project that excluded required setbacks from the plats open space calculation; and

WHEREAS, on February 14, 2007, the applicant timely filed a LUPA appeal alleging that the Hearing Examiner made errors in his decision regarding findings, conclusions and the decision relative to allowable density and open space for the plat; and

WHEREAS, both appeals were consolidated before the Court and by order dated September 6, 2007 the Superior Court denied and dismissed the City's Land Use Petition in its entirety, with prejudice, and granted the applicant's petition and reversed the

Examiner's decision dated January 24, 2007 holding that the open space calculation cannot include the 20-foot setback from the perimeter lots as set forth in Condition #6, and except as specifically noted affirmed the Examiner's decision.

WHEREAS, the City appealed the Court's order to Division II of the Washington State Court of Appeals arguing that the applicant cannot use the PRD Planned Residential Development District regulations to build an increased density because it conflicts with the underlying RB-2 District requirements and count perimeter setback areas toward the required PRD 30% open space calculation; and

WHEREAS, by mandate dated March 3, 2009, the Court of Appeals found the City arguments failed, agreed with the order of the Superior Court, affirmed the Examiner's approval of the conditional use permit approved increased density, reversed the Examiner's decision relative to Condition #6 and its exclusion of the site's perimeter setback areas from the projects open space calculation; and mandated the case to Superior Court for a further proceedings; and

WHEREAS, based on the Court of Appeals mandate, by judgement dated December 14, 2009, the Superior Court ordered the Hearing Examiner to amend the January 24, 2007 decision in accordance with the Court of Appeals mandate; and

WHEREAS, by amended decision dated February 26, 2010, the Examiner issued an amended decision that complied with the Court of Appeals Mandate and the Superior Court's Order; and

WHEREAS, The Courtyards at Skansie Park Preliminary Plat is located at the northeast corner of Hunt Street and Skansie Avenue, Pierce County Assessor-Treasurer Parcel Numbers 0221074050 and 0221074072, containing 174-single family residential lots, five-open space tracts, dedicated right-of-way for public streets to be constructed, and private access/utility/landscape tracts; and

WHEREAS, the applicant submitted and received approval on March 22, 2018 for Civil Construction Plans for the preliminary plat (File #EN-10-0014); and

WHEREAS, the applicant has posted performance bonds for the public and private infrastructure required by the preliminary plat approval for the plat; and

WHEREAS, street names being utilized in Courtyards at Skansie Park were previously approved by the City on May 28, 2019; and

WHEREAS, an application for final plat approval was submitted to the City on June 18, 2019; and

WHEREAS, the application submitted for final plat approval was deemed to be complete on June 20, 2019 prior to the expiration of the preliminary plat approval on July 17, 2019; and

WHEREAS, the proposed final plat was circulated to the appropriate departments of the City for review; and

WHEREAS, the City requested revisions on August 2, 2019 to the final plat drawing and other related documents included in the submittal; and

WHEREAS, the applicant submitted the requested revisions on August 15, 2019; and

WHEREAS, the city requested additional revisions on September 23, 2019 to the final plat drawing and other related documents included in the submittal; and

WHEREAS, the applicant submitted the requested revisions on September 26, 2019; and

WHEREAS, the final drawings of the proposed final plat and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

WHEREAS, the proposed plat certificate has been reviewed by the City Attorney and all certificates of completion as required by GHMC Section 16.06.001 have been received; and

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of October 14, 2019; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, The Courtyards at Skansie Park Final Plat, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;
2. Conforms to all terms of the preliminary plat approvals; all required improvements have been constructed and a performance bond is in place

until required record drawings are submitted to the Public Works Department;

3. Complies with the conditions of approval required by the Public Works Director;
4. Complies with all conditions of approval required by the Fire Marshall;
5. Complies with all conditions of approval required by the Community Development Director and a performance bond has been accepted in lieu of construction for required landscaping and amenities contained within the plat;
6. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves The Courtyards at Skansie Final Plat File No. PL-FPLAT-19-0002 subject to the following conditions:

1. The landscape improvements contained in The Courtyards at Skansie Park (and bonded for under surety #492124S) shall be completed by the applicant and accepted by the City within the timelines established within the bonds unless an extension is granted by the Community Development Director; and
2. The infrastructure contained in Civil Permit EN-10-0014 (on-site right-of-way and bonded for under surety #811512S), Civil Permit EN-10-0064 (street frontage improvements-bonded for under surety #811509S), Civil

Permit EN-10-0154 (Hunt/Skansie water main extension-bonded for under surety #811508S), and Civil Permit EN-10-07-0091 (Hunt/Skansie Wastewater Basin 21, Phase III-bonded for under surety #810727S) shall be completed by the applicant and accepted by the City; and

3. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed in its entirety and accepted by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely and completely with the applicant; and
4. No certificate of occupancy for any building permit within this Division will be issued unless the infrastructure improvements have been completed in its entirety and accepted by the City, notwithstanding possible future written agreements.

Section 3. The City Council directs the Mayor and all other appropriate City officials to inscribe and execute the City's written approval on the face of the plat.

Section 4. The City shall record the final plat with the County Auditor, at the expense of the applicant, after all inspections and approvals, and after all fees, charges and assessments due the City resulting from the subdivision development have been paid in full.

RESOLVED this 14th day of October, 2019.

APPROVED:



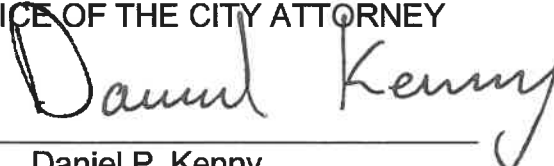
KIT KUHN, MAYOR

ATTEST/AUTHENTICATED:



MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY


BY: _____
Daniel P. Kenny

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 10/14/19
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