



City of Port Orchard

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Agenda Staff Report

Agenda Item No.	<u>Business Item No. 7G</u>	Meeting Date:	<u>July 23, 2007</u>
Subject:	<u>Adoption of Ordinance No. 022-07 Approving the Comprehensive Plan/Zoning Designations for Gordon D. Rush Property - Sedgwick Landing</u>	Prepared by:	<u>Joanne Long-Woods</u> <u>Planning Director</u>

Summary: North Pacific Design, on behalf of property owner, Gordon D. Rush, submitted a Petition for Annexation, to annex 9.7 acres, located near the northwest corner of the intersection of Sidney Road SW and SW Sedgwick Road, Parcel 8503-000-000-0005. The parcel is adjacent to a commercially zoned area and the applicants intend to extend additional commercial uses onto this parcel.

The City Council held public hearings on April 23, 2007 and July 23, 2007. The first public hearing was to identify proposed Comprehensive and Zoning designations for the property, to become effective upon approval of the annexation request. The second public hearing approved the Comprehensive Plan designation of Commercial and Zoning designations of Commercial, Retail, and Office for this property.

Recommendation: Approve the Ordinance 022-07 for Comprehensive Plan designation of Commercial and Zoning designation of Commercial, Retail and Office, effective upon approval of the annexation.

Motion for consideration: I move that the Council approve Ordinance 022-07 for the Comprehensive Plan designation of "Commercial" and Zoning designation of "Commercial, Retail and Office", effective upon approval of the annexation request for a 9.7 acre parcel owned by Gordon D. Rush.

Fiscal Impact: None

Alternatives: Approve the designations as proposed, geographically modify the proposed request, or reject the request.

Attachments: Ordinance 022-07 with Attachments

ORDINANCE NO. 022-07

AN ORDINANCE THE CITY OF PORT ORCHARD DESIGNATING PROPERTY COMMERCIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND COMMERCIAL-RETAIL AND OFFICE (Co) ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED IN SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBER: 8503-000-000-0005

WHEREAS, in December 2006 Kitsap County added the property legally described in Exhibit "A" ("the Property") to the City of Port Orchard UGA and designating the Property on the county comprehensive plan as Urban High Intensity Commercial/Mixed Use; and

WHEREAS, the Property is a 9.7 acre commercial parcel contiguous to the City limits, located near the northwest corner of the intersection of Sidney Road SW and SE Sedgwick Road, and

WHEREAS, South Sidney Plaza, LLC has submitted a Petition for Annexation, to annex the Property to the City of Port Orchard; and

WHEREAS, RCW 35.13.177 allows the City to prepare comprehensive plan and zoning designations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time; and

WHEREAS, pursuant to RCW 36.70A.130(2)(b), after appropriate public participation a city may adopt amendments or revisions to its comprehensive plan whenever an emergency exists; and

WHEREAS, the Planning Commission held a Public Meeting for the pre-annexation comp plan/zoning designation on April 16, 2007 and recommended that the City Council designate the Property Commercial on the City of Port Orchard Comprehensive Plan Map and Commercial – Retail and Office (Co) on the City of Port Orchard Zoning Map, to become effective upon annexation; and

WHEREAS, City Council held public hearings on the pre-annexation comp plan/zoning designation on April 23, 2007 and July 23, 2007; and

WHEREAS, being fully advised, the Council finds and concludes as follows:

FINDINGS

1. A Petitioner for Annexation of the Property into the City was received on February 22, 2007.
2. The Property is located with the City's Urban Growth Area and is contiguous to the City limits.

3. The Property is currently designated Urban High Intensity Commercial/Mixed Use in the County Comprehensive Plan and Highway Tourist Commercial in the County zoning map.
4. The Property will be served by adequate public sewer, water supply, roads, and other needed public facilities and services.
5. The Property will have access from SW Sedgwick Road.
6. The Property is adjacent to commercial zoned areas. The applicant proposes to extend commercial development on the Property, similar to development on the parcel to the south, which is already in the City.
7. If the City does not immediately adopt pre-annexation comp plan/zoning designations for the Property then the Property may be annexed into the City of Port Orchard without any comprehensive plan or zoning designations, which would be contrary to the policies and goals of the Growth Management Act and the City's comprehensive plan.
8. The purpose of the Commercial designation is to provide for the broadest mix of retail, service, office, and commercial recreation/cultural uses serving Port Orchard and surrounding market areas while offering significant employment opportunities.

CONCLUSIONS

1. Commercial is the most appropriate comprehensive plan designation for the Property. Designating the Property Commercial is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.
2. Designating the Property Commercial is in furtherance of the health, safety, and general welfare of the community.
3. Zoning the Property Commercial – Retail and Office (Co), is consistent with the City's Zoning Ordinance and Comprehensive Plan, and is in furtherance of the health, safety, and general welfare of the community.
4. An emergency exists, justifying an exception to the requirement that amendments or revisions to a comprehensive plan be considered no more frequently than once every year.

WHEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Port Orchard Comprehensive Plan Map, adopted by Ordinance No. 1634, is hereby amended by adding the property described in Exhibit "A" and designating it Commercial, to become effective upon annexation.

SECTION 2. The amendment to the Comprehensive Plan Map is declared an emergency under RCW 36.70A.130(2)(b).

SECTION 3. The City of Port Orchard Zoning Map, adopted by Ordinance No. 1748, is hereby amended by adding the property described in Exhibit "A" and classifying it Commercial-Retail and Office (Co), to become effective upon annexation.

SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the City Clerk in authentication of such passage this ____ day of July 2007.

Kim Abel, MAYOR

ATTEST:

Michelle Merlino, City Clerk

APPROVED AS TO FORM:

Sponsored by:

City Attorney

, Councilmember

Exhibit A

The North half of the South half of the Southeast Quarter of the Northeast Quarter, Section 10, Township 23 North, Range 1 East, W.M., in Kitsap County, Washington; EXCEPT Sidney Road; and EXCEPT that portion thereof conveyed to Kitsap County by Deed recorded under Auditor's File No. 9104110072