



City of Valdez

ALASKA

Community Development Department

Conditional Use Permit – Proposed Findings and Proposed Conditions

Date: June 12, 2024
File: CUP 24-03
To: Planning & Zoning Commission
From: Bruce Wall, Senior Planner
Conditional Use: Planned Unit Development (PUD)

General Information

Applicant: Alaska Corporation for Affordable Housing
Property Owner: Mineral Creek Land Co. Inc.
Street Address: 700 West Clark Avenue
Legal Description: Lot 5, Evergreen Vista Addition No. 1, Plat 81-4
Zoning District: General Commercial (G)
Existing Land Use: Vacant
Access: Clark Avenue or Pioneer Drive

Ordinance 24-01 17.02.030

"Conditional use" means a provision which allows for flexibility within this chapter by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional conditions and safeguards are applied to ensure their compatibility with permitted principal uses.

"Planned unit development" means a group or combination of uses developed as a functional unit, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, dimensional standards, or required open space.

"Dwelling - Attached Duplex (up to 2 units per building)" means a dwelling that is attached to one other dwelling unit of equal size (excluding accessory dwelling units) located on a single lot.

Project Description

The subject property is zoned General Commercial. (See attached map for the zoning of the surrounding properties.) The applicant would like to construct 10 duplexes (20 dwelling units) on the property. Attached Duplex Dwellings are not an allowed use in the General Commercial district; however, Planned Unit Developments are allowed in the General Commercial district with a Conditional Use Permit. The applicant chose to request a Conditional Use Permit for a Planned Unit Development for their project. Alternatively, they could have requested a rezone of the property.

The applicant's narrative states:

"The property is adjacent to residential homes on two sides, commercial property on the other two, and diagonally across from the local elementary school. The property will have a property management office, small playground with a basketball court, a dog run area and the rental units will be comprised of 10 duplex-style buildings. They will contain 9 accessible one-bedroom units, 8 two-bedroom units, 1 accessible two-bedroom unit, and 2 three-bedroom units. Triplex and larger style buildings were originally considered, however the duplex-style takes into consideration the preservation of the neighboring residential communities while providing desirable units to future residents."

Findings

Procedural Findings

- a) On May 9, 2024, the Community Development Department received a conditional use permit application from Alaska Corporation for Affordable Housing for a Planned Unit Development.
- b) The applicant supplemented the application on May 23, 2024 and on June 7, 2024.
- c) The Community Development Department reviewed the application and determined that it was complete, in accordance with Ordinance 24-01 17.04.060(E)(1).
- d) A public hearing was scheduled for June 12, 2024, to consider the Conditional Use Permit.
- e) Notice of the meeting was published on the City of Valdez website on May 29, 2024, in accordance with Ordinance 24-01 17.04.060(E)(5) and 17.04.180(C)(1).
- f) Notice of the meeting was published in the Copper River Record on June 6, 2024.
- g) Notice of the publication was published in KVAK's e-blast newspaper on June 3, 2024 and June 10, 2024.
- h) Notice of the meeting was mailed on May 29, 2024, to the 33 property owners within 300 feet of the subject properties, in accordance with Ordinance 24-01 17.04.060(E)(5) and 17.04.180(C)(2).
- i) A document holder was posted on Clark Avenue with public notice flyers on May 29, 2024, in accordance with Ordinance 24-01 17.04.060(E)(5) and

17.04.180(C)(3).

1. Criterion 1: Site Suitability. The subject site shall be suitable to support the proposed conditional use and its associated structure(s) and site improvements. The Planning and Zoning Commission shall consider topography, slope and soil stability, geophysical hazards, surface and subsurface drainage, and water quality conditions on and around the subject site and the probable effects of the proposed conditional use upon these factors. Ordinance 24-01 17.04.060(C)(1)
 - a) The narrative submitted by the applicant states, “The project is roughly 2 acres with a relatively level topography with access to three city streets. The proposed development includes an access off Pioneer Street and secondary access off of Clark Street. The property is well drained with a slight slope down to Egan Street. Onsite drainage will be collected along the internal road and piped to drainage structures in surrounding streets.” “Yards around the duplex homes will be graded away from the homes to percolation areas.”
 - b) The property has a 1.7% slope with the highest point in the northeast corner and the lowest point in the southwest corner of the property.
 - c) The property is not located in a Special Flood Hazard Area or in a tsunami inundation zone.
 - d) The geography of the site is suitable for the proposed use.
2. Criterion 2: Utility, Sanitation, and Public Service Needs. The conditional use and the associated site improvements shall be adequately served by utilities, emergency responders, and a sanitation facility to ensure long-term safety for its occupants and surrounding populations. The Planning and Zoning Commission shall consider whether adequate sewer/sanitation, storm drainage, potable water, fire protection, public safety, access, and electrical power exist to serve the proposed use and associated structures/site improvements. Ordinance 24-01 17.04.060(C)(2)
 - a) The narrative submitted by the applicant states, “The development is designed to include connections to City Water, Sewer, and Electrical power that are currently available at the site. The interior roadway is designed to allow Fire truck access through the site with no turnarounds required. We anticipate adding fire hydrants as required for hose distances established in the International Fire Code.”
 - b) Notice of the application was provided to the following: Valdez Fire, Valdez Police, Valdez Public Works, Valdez Capital Facilities, Copper Valley Electric Association, Copper Valley Telecom, GCI, and Valdez City School District.
 - c) The Public Works Department provided comments regarding snow storage and removal. Those comments addressed snow storage access, snow storage locations, street width, and proximity of homes.
 - d) The Capital Facilities Department agreed with the comments from the Public Works Department and also “recommended that the waterline in the subdivision be looped from Pioneer to W. Egan to ensure no freeze-up.”

- e) This proposal does not dedicate any right-of-way to the public. The proposed street serving the duplexes will remain privately owned and the owner is responsible for the maintenance of the infrastructure on the property.
 - f) The application materials demonstrate that the utility, sanitation, and public service needs will be met.
3. Criterion 3: Zoning District Standards. With the exception of Planned Unit Developments (PUDs), the proposed conditional use and its associated site improvement(s) shall comply with the dimensional standards of the zone in which it is located. Notwithstanding, those zoning standards may be adjusted pursuant to a separate variance and/or administrative adjustment application. Ordinance 24-01 17.04.060(C)(3)
- a) The narrative submitted by the applicant states, "The property is zoned General Commercial. Table 17.06.040a lists the allowed use for Planned Unit Development as a permitted use subject to the Conditional Use process. The small management office on the site is permitted in the General Business zoning."
 - b) The subject property is located in the General Commercial district.
 - c) The General Commercial district does not require minimum setbacks other than the Building and Fire Code requirements regarding firewalls and separation of buildings. The General Commercial district allows a 40-foot maximum building height for primary structures and a 20-foot height for accessory structures.
 - d) These dimensional standards are not applicable to approved Planned Unit Developments; however, the building and fire code requirements will be enforced administratively at the time of building permit application.
4. Criterion 4: Specific Use Standards. The proposed conditional use and its associated site improvement(s) shall comply with the applicable specific use standards pursuant to Chapter 17.08. Ordinance 24-01 17.04.060(C)(4)
- a) The narrative submitted by the applicant states, "There are no specific use standards that apply to this project."
 - b) Ordinance 24-01 does not contain any specific use standards for Planned Unit Developments or for duplexes.
5. Criterion 5: Comprehensive Plan Consistency. The proposed conditional use and its associated site improvement(s) shall be consistent with the Comprehensive Plan's goals, policies, and maps in terms of land uses, development character, and scale. Ordinance 24-01 17.04.060(C)(5)
- a) The narrative submitted by the applicant states, "Residential and mixed use on this site is supported in the Comprehensive Plan."
 - b) The Future Land Use Map in Plan Valdez, the comprehensive plan for the City of Valdez, depicts the subject property within the Mixed-Use Center place type.
 - c) The narrative in the comprehensive plan for the Mixed-Use Center place type states, "As places of economic activity, provides the weekly and convenience

- shopping needs for Valdez residents and integrates housing options to offer residents the ability to live, shop, and work in close proximity.”
- d) Single-family attached dwellings are listed as a supporting land use within the Mixed-Use Center place type.
 - e) Comprehensive Plan Goal 2.3 - Promote, protect, and build quality housing states, “Quality housing is housing that meets community needs including a range of incomes, housing types, and locations; and is built with longevity in mind.” It further states, “Various housing options will enable residents to find suitable local housing regardless of income level.”
 - f) The comprehensive also states, “From an economic perspective, the community’s most important focus should be to increase the availability of housing stock, especially to create more rental housing and entry-level housing for the Valdez workforce.”
 - g) The proposed conditional use and its associated site improvement(s) are consistent with the Comprehensive Plan’s goals, policies, and maps in terms of land uses, development character, and scale.
6. Criterion 6: Nuisance Mitigation. The proposed conditional use and its associated site improvement(s) shall provide mitigation measures to address potential nuisances relating to excessive noise, lighting, vibration, traffic, debris and litter, and outdoor material storage. Ordinance 24-01 17.04.060(C)(6)
- a) The narrative submitted by the applicant indicates that the development will not create any adverse impacts as specified in the code.
 - b) It is not anticipated that the proposed use will create any nuisances related to excessive noise, lighting, vibration, traffic, debris and litter, or outdoor material storage.
7. Criterion 7: Access and Circulation. The proposed conditional use and its associated site improvement(s) shall provide adequate site access for motor vehicles, pedestrians, and cyclists. Applications shall not be approved where the proposed use would create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists. Ordinance 24-01 17.04.060(C)(6)
- a) The narrative submitted by the applicant states, “Vehicular traffic is accommodated on the site at both Clark Street and Pioneer Drive. This double access arrangement will provide two ways for the residents to enter and exit the project, which is very important considering the potential morning and afternoon parent traffic to the elementary school. The arrangement allows for easy access to Egan Drive as a secondary exit path. Pedestrian traffic is accommodated on site with sidewalks on both sides of the private drive/street connecting all units and management office. The onsite sidewalks will connect to future sidewalks on Pioneer and Clark when these streets are upgraded, although, the development team could entertain a sidewalk connecting to the corner of Clark and Pioneer to accommodate students walking to and from school. Each of

these currently has sidewalks on the opposite sides of each street. Cyclists will use the onsite street to gain access to the public streets.”

- b) The proposed use and its associated site improvements will provide adequate site access for motor vehicles, pedestrians, and cyclists.
- c) The proposed use will not create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists.

8. PUD Criterion 1 - Open Space: The project design and spatial layout results in additional open space than could otherwise be achieved with the strict application of the zoning district standards. Open space that meets the standards of 17.09.010(E) is required. Ordinance 24-01 17.09.020(B)(1)

- a) The narrative submitted by the applicant states, “This project is designed with 21% lot coverage. Snow storage areas account for 9% of the lot extents. The resulting open space on this site is 70% open space. This includes a small playground and dog run area.”
- b) The subject property is not located in a residential district; therefore, the requirements of Ordinance 24-01 17.09.010(E)(1) are not applicable.
- c) The subject property does not contain any known wetlands, streams, lakes, rock outcroppings, native forest land, or high-value animal habitat; therefore, the requirements of Ordinance 24-01 17.09.010(E)(2) are not applicable.
- d) The proposed development meets the open space requirements of Ordinance 24-01 17.09.010(E).

9. PUD Criterion 2 - Design Excellence: The project is expected to achieve a better design than could be achieved with the strict application of the zoning district standards in terms of building architecture, pedestrian orientation/access, retaining natural features, and implementing the community vision as articulated in the comprehensive plan. Ordinance 24-01 17.09.020(B)(2)

- a) The narrative submitted by the applicant states, “We are also providing 20-foot separations between each duplex pair, with ample room for future trees, play yards, etc. A higher density of housing is achievable on this site, however, the density we are proposing will allow more open space for family living and snow accommodation in the winter months. We also recognize the realities of successful living in Valdez may include ownership of boats, campers, ATV’s etc. and we have provided more auxiliary parking stalls near the residences.”
- b) The General Commercial zoning district does not allow duplexes without an approved PUD. The design of the project provides a good transition from the adjacent single-unit attached dwellings, single-unit detached dwellings and the adjacent light industrial uses.
- c) The project implements the community vision articulated in the comprehensive plan as detailed above in Criterion 5.
- d) The project will achieve a better design than could be achieved with the strict application of the zoning district standards.

10. PUD Criterion 3 - Impact Mitigation: The project applies buffering, vegetation, and building placement considerations as methods to mitigate potential adverse impacts onto neighboring properties that may be caused by a reduction in the required building setbacks, or an increase in building height. Ordinance 24-01 17.09.020(B)(3)

- a) The narrative submitted by the applicant states, "Due to the project funders (HUD) requirements we have added a 8 foot tall thermal barrier fence along two property frontage to protect humans using the outdoor yards against potential impacts of neighboring above ground heating fuel tank explosions. (on bus barn and bulk fuel properties)"
- b) There will not be any adverse impacts onto neighboring properties caused by a reduction in the required building setbacks, or an increase in building height because the applicant has not requested a reduction in the required building setbacks, or an increase in building height.

The Planning and Zoning Commission shall conduct a public hearing to review the conditional use application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, adopt findings of fact (from staff or establishing their own), and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Conditions

- 1. The conditional use permit is granted for Lot 5, Evergreen Vista Addition No. 1, Plat 81-4 for a Planned Unit Development for 10 duplexes.
- 2. The conditional use permit is effective upon approval.
- 3. The conditional use permit must be utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion.
- 4. The use must be consistent with the submitted application and site plan. Any change to the plans must be submitted to the Community Development Department and processed pursuant to Ordinance 24-01 17.04.060(F).