



City of Valdez

ALASKA

Planning Department

3053 Bering Street Rezone – Proposed Findings

Date: March 9, 2022

To: Planning & Zoning Commission

From: Bruce Wall, Senior Planner

General Information

Street Address:	3053 Bering Street
Legal Description:	Lot 5A, Block 4, Corbin Creek Subdivision Phase IV, Plat 2013-3
Current Zoning District:	Unclassified Lands and Single-Family Residential
Proposed Zoning District:	Single-Family Residential
Property Owner:	Tim C. Hastings
Size:	1.183 Acres

Project Description

This property is one of three lots within Corbin Creek Subdivision that had lot boundary changes in 2013 as a result of purchasing adjacent land from the City. The official zoning map that was adopted last year indicates that the original lot retained the Single-Family Residential zoning and the land acquired from the City retained the Unclassified Lands zoning designation. This lot now has split zoning. Staff has recently reviewed our records and has discovered that in 2013, city staff mistakenly informed the property owner and the planning and zoning commission that the land purchased from the City would take on the residential zoning when it was replatted and combined with the adjacent residential lot. However, the City code states that zoning changes can only be made by ordinance of the City Council.

On January 26, 2022, the Planning and Zoning Commission requested that Planning Department staff schedule a public hearing for the purpose of changing the zoning designation of this property.

Findings

1. Procedure.

- a) In 2013, the owner of Lot 5, Block 4, Corbin Creek Subdivision purchased adjacent land from the City of Valdez. This transaction was recorded as Document 2013-000399-0.
- b) Plat 2013-3 combined Lot 5, Block 4 with the acquired property to form Lot 5A, Block 4, Corbin Creek Subdivision Phase IV, Plat 2013-3.
- c) The preliminary plat that would combine these two parcels was approved on May 22, 2013. The Planning and Zoning Commission minutes for this meeting indicates that planning staff informed the commission that the zoning of the acquired property would be changed to Single-Family Residential.
- d) VMC 17.54 states that zoning changes can only be done by ordinance of the City Council.

- e) The official zoning map adopted by the City Council in 2021 indicates that this property is partially zoned Unclassified Lands and partially zoned Single-Family Residential.
- f) On January 26, 2022, the Planning and Zoning Commission initiated the process to change the zoning designation of this property to Single-Family Residential.
- g) A public hearing for March 9, 2023 was scheduled to consider the zoning change.
- h) Notice of the meeting was published in the Copper River Record on February 24, 2022 and March 3, 2022, in accordance with VMC 17.06.060(B)(1) and VMC 17.54.040.
- i) Notice of the publication was published in KVAK's e-blast newspaper on February 21, 2022 and February 28, 2022.
- j) Notice of the meeting was mailed on February 22, 2022 to the 11 property owners within 300 feet of the subject property, in accordance with VMC 17.06.060(B)(2) and VMC 17.54.040.

2. Reasons and justification for proposing such change. VMC 17.54.030(A)

- a) Changing the zoning designation of the acquired portion of the lot to Single-Family Residential is consistent with its use as a residential lot in a residential subdivision.
- b) Changing the zoning designation will eliminate the administrative problems associated with the split zoning of the lot.
- c) Changing the zoning designation will be consistent with the information that was provided to the property owners in 2013.

3. Except for the extension of existing district boundaries, no change in any use district classification or an official zoning map shall be considered which contains an area less than two acres. VMC 17.54.020(C)

- The zoning change is an extension of existing district boundaries.

4. The effect the rezone will have on the objectives of the comprehensive plan. VMC 17.54.030(B)

- The rezone will be implementing the objectives of the comprehensive plan. Objective 2.1.E of the Valdez Comprehensive Plan states, "Rezone parcels to align with the Future Land Use Map." The future land use map designates this lot as within the Residential Neighborhood place type.

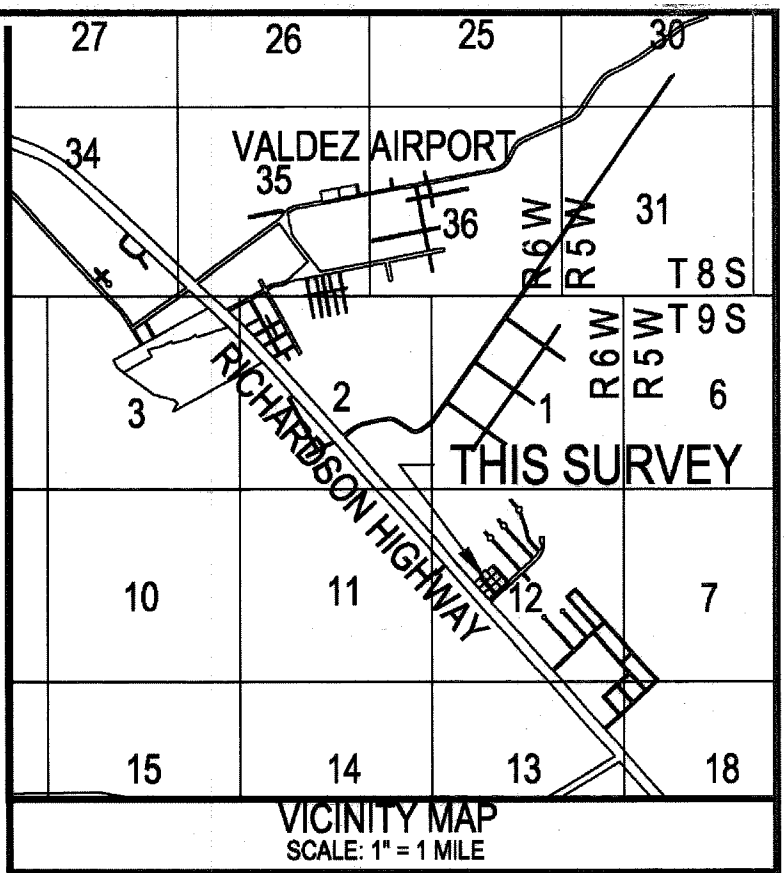
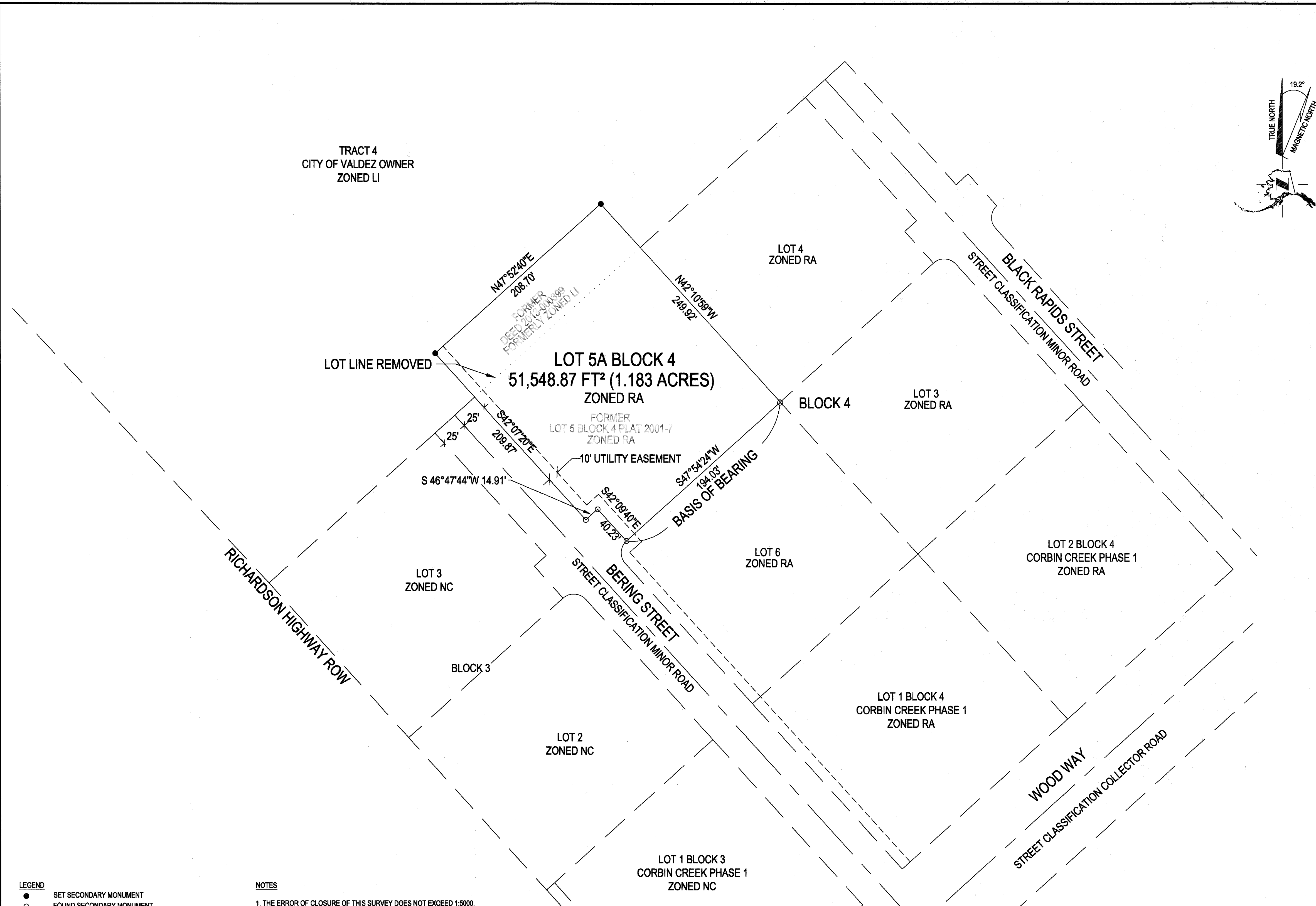
5. Whether the public necessity, convenience, general welfare, modification of the comprehensive plan, or good zoning practice requires the rezone. VMC 17.54.050

Public necessity, convenience, general welfare, and good zoning practice requires the rezone because of the following.

- a) Changing the zoning district so that the entire parcel is zoned Single-Family Residential will be implementing the comprehensive plan by making the zoning consistent with how it is indicated on the future land use map.
- b) The rezone of the acquired portion of the lot to Single-Family Residential is consistent with its use as a residential lot in a residential subdivision.

6. Whether the rezone is in accordance with the comprehensive plan. VMC 17.54.050

- The rezone is in accordance with the comprehensive plan because the future land use map designates this lot as within the Residential Neighborhood place type.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 5A BLOCK 4 CORBIN CREEK SUBDIVISION PHASE IV, AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OR RESERVE FOR PUBLIC OR PRIVATE USE, AS SHOWN, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

David Seward Hunter
DAVID SEWARD HUNTER
PO BOX 2085
VALDEZ, AK 99686
(907) 835-4299

7-10-2013
DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10TH DAY OF July, 2013, BY

David Seward Hunter

Notary Public
JANINE VADEBONCOEUR
State of Alaska
My Commission Expires September 28, 2013

Janine Vadeboncoeur
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 09-26-2013

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 5A BLOCK 4 CORBIN CREEK SUBDIVISION PHASE IV, AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OR RESERVE FOR PUBLIC OR PRIVATE USE, AS SHOWN, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

Nani A. Hunter
NANI A HUNTER
PO BOX 2085
VALDEZ, AK 99686
(907) 835-4299

7/10/2013
DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10TH DAY OF July, 2013, BY

Nani A. Hunter

Notary Public
JANINE VADEBONCOEUR
State of Alaska
My Commission Expires September 28, 2013

Janine Vadeboncoeur
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 09-26-2013

- LEGEND
- SET SECONDARY MONUMENT
 - FOUND SECONDARY MONUMENT
 - SURVEYED
 - - - UNSURVEYED
 - - - EASEMENT
 - (R) RECORD PER PLAT
 - (M) MEASURED
 - (C) CALCULATED

NOTES

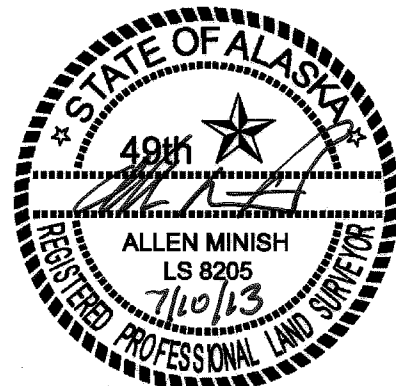
1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
3. REF. PLATS: 2001-7 VALDEZ R.D.
4. REF. FIELD BOOK: 13-01

SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: 10 JULY 2013 REGISTRATION No. 8205 S

ALLEN D. MINISH
REGISTERED LAND SURVEYOR



TAX CERTIFICATE

I, SHERI L. PIERCE, CITY CLERK FOR THE CITY OF VALDEZ, ALASKA DO HEREBY CERTIFY THAT ALL TAXES LEVIED AGAINST THE PROPERTIES REPRESENTED BY THESE LOT LINES ARE PAID AS OF 7/10, 2013.

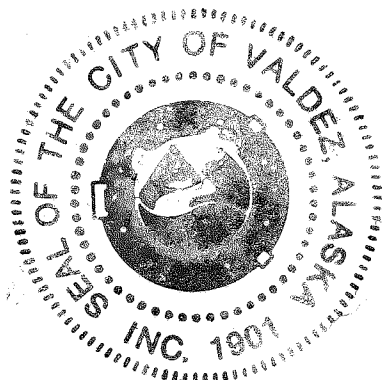
SIGNED *Sheri L. Pierce*
CITY CLERK

PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY OF VALDEZ PLANNING AND ZONING COMMISSION FOR RECORDING.

SIGNED *Mark D. Minish*
CHAIR OF THE PLANNING AND ZONING COMMISSION

DATE 7-10-2013



BANK OR LENDING INSTITUTION ACKNOWLEDGEMENT CERTIFICATE OF BENEFICIARY

I THE UNDER SIGNED, CERTIFY THAT FIRST NATIONAL BANK ALASKA HOLD A BENEFICIARY INTEREST IN THE PROPERTY SHOWN ON THIS PLAT. I HEREBY CERTIFY THAT I HAVE THE AUTHORITY TO SIGN FOR SAID LENDING INSTITUTION AND HEREBY APPROVE THIS SURVEY AND PLAT.

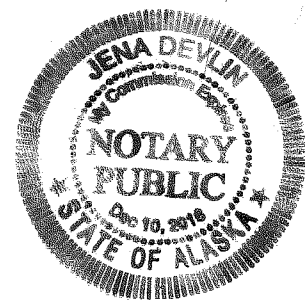
William Stark
WILLIAM STARK, VICE PRESIDENT VALDEZ BRANCH
101 EGAN STREET
PO BOX 37
VALDEZ, AK 99686

7/10/2013
DATE

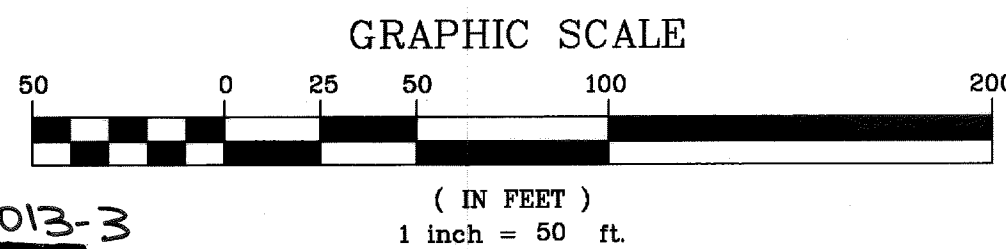
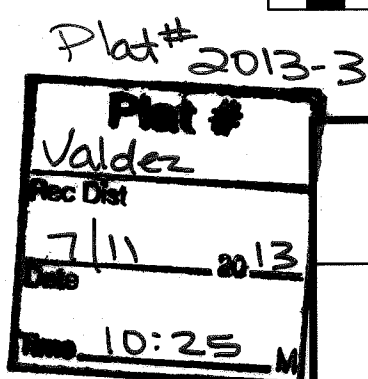
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10TH DAY OF July, 2013, BY

Will Stark



Jena Devlin
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 12-10-16



SURVEYOR:
WRANGELL MOUNTAIN TECHNICAL SERVICES
PO BOX 118, CHITINA, AK 99566 (907) 823-2280

A PLAT OF
LOT 5A BLOCK 4
CORBIN CREEK SUBDIVISION PHASE IV

A SUBDIVISION OF
LOT 5 BLOCK 4 CORBIN CREEK SUBDIVISION PHASE IV AND DEED 2013-XXXX-XX
PLAT 2001-07 VALDEZ R.D.
LOCATED WITHIN
LOCATED WITHIN SURVEYED
SECTIONS 12, TOWNSHIP 9 SOUTH, RANGE 6 WEST,
COPPER RIVER MERIDIAN, ALASKA
CONTAINING 551,547.87 FT² (1.183 ACRES)
VALDEZ RECORDING DISTRICT

DRAWN BY: ADM
DATE: 6/20/13
CHECKED BY: ADM
DATE: 6/20/13
DATE OF SURVEY:
START: 5/1/13 END: 6/20/13
SCALE: 1" = 50'



File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Dave Hunter and Nani HunterAddress: 3035 Bering StreetValdez, AK 99686File No.: 0201-2089165 (LMS)

STATUTORY WARRANTY DEEDTHE GRANTOR, **Dave Cobb**, Mayor for the City of Valdez, A Municipal Corporation,
whose mailing addressis PO BOX 307, VALDEZ AK 99686, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Dave Hunter and Nani Hunter, husband and wife**, residing at **3035 Bering Street, Valdez, AK 99686**, the following described real estate, situated in the **Valdez** Recording District, **Third** Judicial District, State of Alaska:**Parcel 1:****THAT PORTION OF TRACT 4, CORBIN CREEK SUBDIVISION PHASE IV**, according to the official plat thereof, filed under Plat Number 2001-7, Records of the ~~318~~ **VALDEZ** Recording District, Third Judicial District, State of Alaska, **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** Commencing at the Western most corner of Lot 5, Block 4 of said subdivision and being the True Point of Beginning, thence North 42°03'26" West a distance of 55.00 feet; thence North 47°56'34" East a distance of 208.70 feet; thence South 42°03'26" East a distance of 55 feet to the Northern most corner of Lot 5 Block 4; thence along the Northwestern Boundary of said Lot 5 Block 4 South 47°56'34" West a distance of 208.70 feet to the True Point of Beginning.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: 6-26, 2013.

David C Cobb

Notary Public
HOLLY S. POWERS
State of Alaska
My Commission Expires May 10, 2014

THIS IS TO CERTIFY that on this 26 day of June, 2013, before me the undersigned Notary Public, personally appeared **Dave Cobb, Mayor for the City of Valdez, a Municipal Corporation**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

Hallie Owens

510114

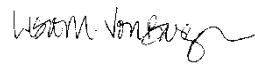
PLANNING & ZONING AGENDA STATEMENT

AGENDA ITEM NO. VIII.2

MEETING DATE: June 26, 2013

ITEM TITLE: (SUBD #13-03) Final Plat Approval Lot 5A Block 4 Corbin Creek Subdivision Phase IV, Plat #2001-7 Valdez Recording District.

SUBMITTED BY: Laura Robertson – GIS / Senior Planning Technician

DIRECTOR: 
Community & Economic Development

Applicant: Dave and Nani Hunter

REVIEWED BY: Other Commission: Finance: Other:

EXHIBITS ATTACHED:

Resolution ___ Ordinance ___ Plan ___ Map ___ Report ___ Minutes ___
Plat: X Other: 1) Aerial; 2) Sub App; 3) Water Sewer line plans 4) Plat #2001-7

RECOMMENDATION:

Approve Final Plat for (SUBD #13-03) Lot 5A, Block 4 Corbin Creek Subdivision Phase IV, a Subdivision of Lot 5 Block 4 Corbin Creek Subdivision Phase IV and the Deed Doc for the 11,479 square foot portion of Tract 4, Corbin Creek Subdivision Phase IV.

SUMMARY STATEMENT:

Dave and Nani Hunter are working on a plan to develop their property in Corbin Creek, Lot 5 Block 4 (plat #2001-7). Based on the topography of his lot, Dave and Nani currently would like to place their new home close to the western side yard lot line. They would like to landscape around their house and the majority of their yard would be west, onto current City property (Tract 4, Corbin Creek Subdivision Phase IV). Tract 4 was originally going to be subdivided with the continuation of Bering Street and Black Rapids but the parcel is very wet and was deemed generally undevelopable. Planning and Zoning looked at the land sale request for adding a small 55' strip of land to Dave & Nani's property that would give them flexibility for building their new house and a nice yard on April 10th, 2013 and approved a recommendation to Council to sell. On May 5th, City Council approved the land sale. One of the conditions of the land sale is that the small parcel of land be replatted into the existing lot. This is the final plat for the purpose of accomplishing the inclusion of the new sliver of land into the larger existing parcel.

The newly created lot will have the same zoning as the existing residential parcel (RA). The 10' platted utility easement end has been extended to the boundary of the new lot line.

During discussions over the preliminary plat, the Commission asked staff to look at adding / changing 4 main things:

1. The Zoning on Lots 1 & 2 Block 4. This has been changed from NC to RA.
2. The width of the utility easement along Bering St. This has been changed from 15' to 10'.
3. Staff was to make sure no new easements would be required if the water and sewer services were ever extended to Corbin Creek. A copy of the proposed water and sewer lines is attached – they do not require new easements.
4. An easement along Wood Way. Staff looked into the older plats and could not find any references to a utility easement along Wood Way. Since it is not relevant to this plat and was not easy to find, this has not been included in the final plat.

The landowners are working with First National Bank of Alaska to close on a construction loan and begin building their house. Due to their constricted timeline, the final plat needs to be approved in relatively short order and perhaps before the land sale. At the time of this agenda statement, staff expects to close on the property before planning and zoning takes action on the final plat but regardless – the final plat will not be recorded until the land is sold and the proper document number can be filled in.

The tables below show the requirements for preliminary plats and marks the status of each piece of form and content required in Valdez Municipal Code Sections 16.08.030 (Preliminary Plat).

	Final Plat Requirements	Status
1	The boundary of the subdivided area showing clearly what stakes, monuments, or other evidence were found or established on the ground to determine the boundary of the subdivision;	X
2	Bearing and distance to all monuments used to locate the subdivision boundary;	X
3	The basis of bearing and its source shall be shown;	X
4	All monuments found shall be indicated. If the monuments were reset by ties, that fact shall be stated;	X
5	Within the subdivision, the plat shall show the following:	
a	Centerlines of all streets:	X
i	Tangents, lengths and bearings;	X
ii	Curve radii of all curves, curve data which may be in tabular form and include central angles, lengths, radii, and arc and chord bearings;	X
iii	Central or deflection angles of all curves;	X
iv	Arc lengths of all curves;	X
b	Classification and total width of each street, walkway, trail or path being dedicated;	N/A
c	Classification and width of any existing dedication;	X
d	Width of portions of streets each side of the centerline;	X
e	Width of the following rights-of-way:	X
i	Patent reserves;	N/A
ii	Section line easements;	N/A
iii	Public utility easements;	X
iv	Any other easements existing or dedicated, by the plat;	X
f	All lot lines should, if possible, be radial to a curve. If not, they shall be labeled "not radial;"	N/A
g	Dimensions shall be in feet and hundredths of a foot;	X
h	Bearings shall be shown to the nearest five seconds;	X
6	The width of any existing dedication which provides access to the subdivision;	X
7	The width, bearing, and other data necessary to delineate all easements to which lots are subject:	X
a	Easements shall be denoted by broken lines	X
b	If an easement is not parallel to and adjoining the lot lines, distances and bearings on the side lines of the lots which are cut by the easements shall be shown so as to indicate clearly the actual length of the lot line from the lot corners to the easement;	N/A
8	All lots and blocks shall be numbered in a simple, consecutive, easy to follow manner;	X
9	Sufficient data shall be shown on lot and block boundaries to determine readily the length and bearing of each line;	X
10	No ditto marks shall be used;	X

11	The name of adjoining subdivisions and numbers of adjoining lots as well as adjoining easements and roads;	X
12	North arrow;	X
13	Three-inch bar scale;	X
14	Title block arranged in the lower right-hand corner which shall include the following:	X
a	Date survey was completed,	X
b	Subdivision name,	X
c	Surveyor's name, address, telephone number and registration number,	X
d	Draftperson's initials,	X
e	Checker's initials,	X
f	Legal description of the subdivision location,	X
g	Name of owner(s) of record;	X
15	The area of each lot in square footage to the nearest ten square feet or acres to three decimal places;	X
16	A vicinity map arranged in upper right-hand corner at a scale no smaller than one inch equals one mile, showing major street systems, section lines and north arrow;	X
17	A legend with appropriate symbols indicating pertinent information;	X
18	If the property lies within Flood Zone A the area shall be delineated and a note shall be included on the plat, stating that "The property within Flood Zone A as identified by the Federal Emergency Management Agency shall be required to comply with Federal Regulations";	N/A
19	If the property contains any other hazard areas these areas shall be delineated and noted as to hazard.	N/A

The following items are required on the plat for signature following approval of the plat:

1. Required certificates shall be printed on the plat in a form supplied by the director.
2. The certificate of ownership must be signed by all vested owners.
 - a. Other parties with a secured interest in the property to be subdivided or dedicated.
 - b. A standard form provided by the director may be signed and notarized, authorizing subdivision or dedication in place of signing the certificate on the plat.
 - c. Official seals of the attesting officers, of the land surveyor who prepared the plat and approval certificates from state agencies shall be placed on the plat.

Notice was sent to all property owners within 300 feet of the property per Section 16.04.090 of the Valdez Municipal Code on May 10th, 2013. Notice was sent to the utilities on May 10th, 2013.

16.04.090 Notification requirements.

- A. A notice shall be sent by mail at least ten days prior to the first scheduled meeting of the planning and zoning commission to consider the preliminary plat approval to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel described in the application for subdivision.
- B. Consideration of Evidence. The planning and zoning commission shall hear and consider evidence and facts from any person during preliminary and final plat approval or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such subdivision of land.

Staff has not received any comments from neighbors on the subdivision. Staff did talk to CVEA and they had no objections to the plat.

Staff recommends the Planning & Zoning Commission grant final approval of the plat.