



City of Valdez

ALASKA

Planning Department

3031 Mendenhall Street Rezone – Proposed Findings

Date: March 9, 2022

To: Planning & Zoning Commission

From: Bruce Wall, Senior Planner

General Information

Street Address:	3031 Mendenhall Street
Legal Description:	Lot 8A, Block 11, Corbin Creek Subdivision Phase III, Plat 2014-2
Current Zoning District:	Light Industrial and Semi-Rural Residential
Proposed Zoning District:	Semi-Rural Residential
Property Owner:	Cynthia S. Clements
Size:	1.44 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 Semi-Rural 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 8, Block 11, Corbin Creek Subdivision purchased adjacent land from the City of Valdez. This transaction was finalized with the deed recorded as Document 2014-000023-0.
- b) Plat 2014-2 combined Lot 8, Block 11 with the acquired property to form Lot 8A, Block 11, Corbin Creek Subdivision Phase III, Plat 2014-2.
- c) The final plat that would combine these two parcels was approved on December 11, 2013. The agenda statement for this meeting states, “The newly created lot will have the same zoning as the existing residential parcel (RN)”.
- 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 Light Industrial and partially zoned Semi-Rural Residential.
- f) On January 26, 2022, the Planning and Zoning Commission initiated the process to change the zoning designation of this property to Semi-Rural 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 7 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 Semi-Rural 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 Semi-Rural 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 Semi-Rural 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.

ASLS 79-116 TRACT F
ZONED LI

LOT LINE REMOVED

BASIS OF BEARING

FORMER
DEED 2014-000023-0
FORMERLY ZONED LI

LOT 8A BLOCK 11
62,600 FT² (1.44 ACRES)
ZONED RN

FORMER
LOT 8 BLOCK 11 PLAT 2001-6
ZONED RN

LOT 7
ZONED RN

BLOCK 11
CORBIN CREEK PHASE III
LOT 6
ZONED RN

LOT 4A
BLOCK 10
CORBIN CREEK PHASE III
PLAT 2012-5
ZONED RN

LOT 5
ZONED RN

LOT 4
ZONED RN

LOT 2
ZONED RN

BLOCK 10

STREET CLASSIFICATION MINOR ROAD
MENDENHALL STREET

- LEGEND**
- SET SECONDARY MONUMENT
 - FOUND SECONDARY MONUMENT 2" ALU CAP ON REBAR
 - FOUND IRON ROD MONUMENT
 - SURVEYED
 - - - UNSURVEYED
 - - - EASEMENT
 - (R) RECORD PER PLAT
 - (M) MEASURED
 - WC WITNESS CORNER

- 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: 2001-6 & 2012-5 VALDEZ R.D.
 4. REF. FIELD BOOK: 13-02

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: 22 JAN 2014 REGISTRATION No. 8205 S

ALLEN 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 1/23/14

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 [Signature]
CHAIR OF THE PLANNING AND ZONING COMMISSION

DATE 1-22-14



BANK OR LENDING INSTITUTION ACKNOWLEDGEMENT CERTIFICATE OF BENEFICIARY

I THE UNDER SIGNED, CERTIFY THAT WELLS FARGO 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.

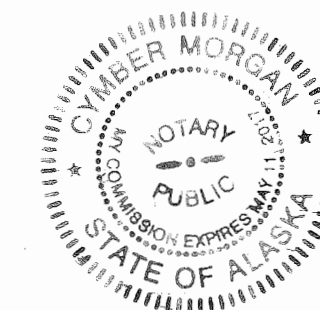
SIGNED Natalie Gabler
DATE March 17, 2014

PRINT NAME Natalie Gabler
TITLE Branch Manager
WELLS FARGO BANK ALASKA
337 EGAN STREET
PO BOX
VALDEZ, AK 99686

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17 DAY OF March, BY

Natalie Gabler



AMBER MORGAN
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 8A BLOCK 11 CORBIN CREEK SUBDIVISION PHASE III, 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.

WILLIAM A. GILLESPIE

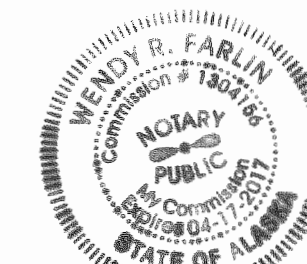
WILLIAM A. GILLESPIE
PO BOX 3241
VALDEZ, AK 99686
(907) 831-2244

2/24/2014
DATE

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th DAY OF February, BY

William A. Gillespie



Wendy R. Jankin
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 04-17-2017

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 8A BLOCK 11 CORBIN CREEK SUBDIVISION PHASE III, 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.

RENE T. CHRYSTAL

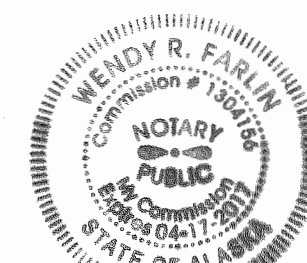
RENE T. CHRYSTAL
PO BOX 3241
VALDEZ, AK 99686
(907) 831-2244

1/29/14
DATE

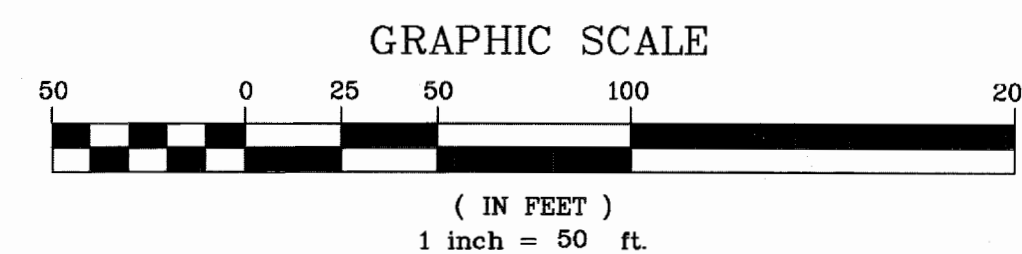
NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF January, BY

Rene T. Chrystal



Wendy R. Jankin
NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: 04-17-2017



#2014-2
Plat #
218-Valdez
Rec Dist
3/18 2014
Date
Time 11:21 AM

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

A PLAT OF
LOT 8A BLOCK 11
CORBIN CREEK SUBDIVISION PHASE III

A SUBDIVISION OF
LOT 8 BLOCK 11 CORBIN CREEK SUBDIVISION PHASE III PER
PLAT 2001-06 VALDEZ RECORDING DISTRICT
AND DEED 2014-000023-0
LOCATED WITHIN SURVEYED
SECTIONS 12, TOWNSHIP 9 SOUTH, RANGE 6 WEST,
COPPER RIVER MERIDIAN, ALASKA
CONTAINING 62,600 FT² (1.44 ACRES)
VALDEZ RECORDING DISTRICT

DRAWN BY: ADM
DATE: 1/17/14
CHECKED BY: ADM
DATE: 1/17/14
DATE OF SURVEY:
START: 8/22/13 END: 11/5/13
SCALE: 1" = 50'



File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: William Gillespie and Rene ChrystalAddress: P.O. Box 3241Valdez, AK 99686File No.: 0201-2142435 (LLM)

STATUTORY WARRANTY DEED

THE GRANTOR, **City of Valdez**, whose mailing address is **P.O. 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 **William Gillespie and Rene Chrystal, husband and wife**, residing at **P.O. Box 3241, Valdez, AK 99686**, the following described real estate, situated in the **Valdez** Recording District, **Third** Judicial District, State of **Alaska**:

See Exhibit A

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

Dated: 1/14, 2014.

City of Valdez

By: David Cobb, Mayor

STATE OF Alaska)
) ss.
Third Judicial District)

THIS IS TO CERTIFY that on this 14th day of January, 2014, before me the undersigned Notary Public, personally appeared **David Cobb, Mayor of the City of Valdez**, 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.

WITNESS my hand and official seal.

Holly Stolgar
Notary Public in and for Alaska
My commission expires 5/10/14

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



LEGAL DESCRIPTION

22,461 Sq Ft Portion of Tract F

ASLS 79-116

Beginning at the western most corner of Lot 8 Block 11 Corbin Creek Subdivision Phase III per plat 2001-6 of the Valdez Recording District, Alaska also being the True Point of Beginning North 0° 00' 00" East 180.00 feet; thence South 90° 00' 00" East 55.00 feet; thence South 59° 48' 23" East 81.99 feet; thence North 90° 00' 00" East 105.00 feet; thence South 1° 23' 12" West 51.00 feet to the northeastern most corner of said Lot 8; thence along the northern boundary of said Lot 8 South 76° 59' 45" West 182.32 feet ; thence continuing along the northern boundary of said Lot 8 South 48° 02' 30" West 69.92 feet to the True Point of Beginning. Containing 22,461 square feet (±0.52 acres) more or less. As shown in Attachment A.



PLANNING & ZONING AGENDA STATEMENT

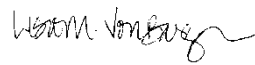
AGENDA ITEM NO. _____

MEETING DATE: **December 11, 2013**

ITEM TITLE: (SUBD #13-04) Approve Final Plat of Lot 8A, Block 11, Corbin Creek Subdivision Phase III and the Deed Document for the 22,461 square foot portion of Tract F, ASLS 79-116.

Applicant: William Gillespie and Rene Chrystal

SUBMITTED BY: Laura Robertson – GIS / Senior Planning Technician

DIRECTOR: 
Community & Economic Development

REVIEWED BY: Other Commission: Finance: Other:

EXHIBITS ATTACHED:

Resolution ____ Ordinance ____ Plan ____ Map ____ Report ____ Minutes ____
Plat: __X__ Other: 1) Aerial; 2) Map Checks

RECOMMENDATION:

Approve Final Plat for (SUBD #13-04) Lot 8A, Block 11 Corbin Creek Subdivision Phase III, a Subdivision of Lot 8 Block 11 Corbin Creek Subdivision Phase III and the Deed Document for the 22,461 square foot portion of Tract F, ASLS 79-116.

SUMMARY STATEMENT:

The Planning and Zoning commission approved this preliminary plat on October 9th, 2013. The surveyor addressed all the changes requested by staff at preliminary plat except the labeling of the trails. They were not included on the final plat because they are not officially dedicated. Once the City closes on the land sale, the deed document number will be filled in and the final plat can be recorded. Additionally the surveyor also clarified that the distances were from corner to corner and not corner to monument on this plat, to make sure this information was clear.

At this time staff does not have any additional corrections for the final plat.

This plat is being brought to the commission for final approval.

William Gillespie and Rene Chrystal would like to develop a large garage/shop on their property in Corbin Creek, Lot 8, Block 11 (plat #2001-6). The shape of their lot is much like a pie wedge – narrow where it connects to Mendenhall Street and larger in the back. Due to the odd shape of the lot and the setback requirements in Semi-Rural Residential – it becomes very difficult for

them to meet the requirements and still build a garage/shop the size that they want without interfering with access to the house and setbacks.

They originally requested an extension of their lot lines approximately 160' x 70' to the NW of their property, to be purchased via sale by negotiation from the City. This would give them the land and the flexibility they need to build their garage/shop. Upon review of the application however, the Planning & Zoning Commission voted down the recommendation to City Council. After listening to the reasons for the Planning & Zoning Commission's decision, they revised their negotiated land sale application and resubmitted it to the City. They removed the North West corner of the lot extension that they were asking for to ensure there was more than 50 feet between the requested land and the centerline of the old Alpetco Road trail. They did not adjust the southern lot line extension request down toward the snow lot any further because there is an unofficial access trail that goes through the snow lot that they did not want to interfere with. This is a low use trail, generally used by locals and neighbors, but it is the only way to access the bigger trail system through the northern end of Corbin Creek without trespassing on private property. So their revised request maintained a 50 foot buffer from the old Alpetco Road trail and respected an unofficial neighborhood access trail.

Staff agreed this piece of land would certainly be difficult for anyone else to make reasonable use of and after extensive research concluded it did not interfere with Corbin Creek Phase V or Phase VI and did not interfere with any potential access back behind Robe River. On July 29, 2013 this land sale request was ultimately approved by P&Z. On August 5, 2013 this land sale request was taken before City Council and approved. The City has title insurance completed on the property. It was appraised at \$15,750 and the City should close on the land sale shortly. As a condition of the land sale, the new portion must be combined into the existing lot. This plat accomplishes this requirement.

The newly created lot will have the same zoning as the existing residential parcel (RN). Once the City closes on the land sale, the deed document number will be filled in and the final plat can be completed.

The tables below show the requirements for final plats and marks the status of each piece of form and content required in Valdez Municipal Code Sections 16.12.020 (Final 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

lii	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 September 27, 2013. Notice was sent to the utilities on September 27, 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 recommends the Planning & Zoning Commission grant final approval of the plat.