



## McCay Rezone – Proposed Findings

Date: July 9, 2024  
File: Rezone 25-01  
To: Planning & Zoning Commission  
From: Kate Huber, Community Development Director

### General Information

Applicant:	Magdalena and James McCay
Property Owner:	Magdalena and James McCay
Property Address:	3281 Richardson Highway
Legal Description:	Lot 2, Tract 3, USS 3538, Plat 2003-7
Current Zoning District:	General Commercial (G)
Proposed Zoning District:	Neighborhood Mixed Use (NMU)
Comp. Plan Place Type:	Residential Neighborhood
Vicinity Zoning:	
East:	Neighborhood Mixed Use (NMU)
West:	Neighborhood Mixed Use (NMU) and General Commercial (G)
North:	Moderate Density Residential (R2)
South:	Neighborhood Mixed Use (NMU) and Light Industrial (LI)
Access:	Richardson Highway and Dylan Drive with additional frontage on Skidder Street

VMC 17.44.010 states:

The G district includes those areas which are heavily exposed to automobile traffic and where public utilities are available. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a “strip” fashion is discouraged.

VMC 17.36.010 states:

The NMU district is intended primarily for areas with utilities that include residential and supporting commercial and institutional uses that serve the convenience shopping needs for local residents. Business establishments should be developed in a small and compact format to serve adjacent neighborhoods. Both vertical and horizontal mixed-use

configurations are encouraged. Some nonresidential uses are allowed as conditional uses so that their compatibility with surrounding neighborhoods can be evaluated on a case-by-case basis. All uses shall be compatible in terms of scale and design.

The differences in the allowed uses can be found in VMC 17.16.040, Table 17.16.040-1. The differences in the dimensional standards can be found in VMC 17.16.060 Table 17.16.060-1.

### Application Description

Magdalena and James McCay have submitted an application requesting to change the zoning on 7.759 acres to Neighborhood Mixed Use (NMU). The official zoning map indicates that this property is currently zoned General Commercial (G).

A portion of the property is being utilized by the city for snow storage. A conditional use permit was approved on January 12, 2005 for boat storage on the property. The property is also being utilized for self-storage, which is not an approved use. The applicant intends to place a mobile or manufactured home on the property for a personal residence and construct a shop to support their existing business.

Over the next several years they intend to remove the shipping containers that are being utilized as self-storage from the property and begin constructing additional residences with garages designed to accommodate RVs and boats. These proposed uses are more consistent with the Neighborhood Mixed Use zoning district than the current General Commercial zoning district.

There are five parcels in the vicinity that are currently zoned Neighborhood Mixed Use.

### Environmental Conditions

The property is relatively flat with the elevation between 32 feet and 34 feet. There are not any mapped Special Flood Hazard Areas on the property or mapped wetlands. The United States Army Corps of Engineers' National Levee Database depicts this property as being in a leveed area. Property protected by a levee is subject to flooding if the levee fails or is overtopped. The property is located in the mapped tsunami inundation area. Tsunami evacuation shelters are located at the airport and at the 10-mile fire station. The Alaska Anadromous Waters Catalog indicates that there is an anadromous stream located on the property that was identified in 1995. (AWC 221-60-11380-2055) There are not any streams or stream channels currently located on the property.

### VMC 17.12.080(E)(6)

The planning and zoning commission shall conduct a public hearing to review the application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to city council. Following the hearing, the community development department shall update its staff report to include the planning and zoning commission's recommendation.

## VMC 17.12.080(E)(7)

The City Council shall retain the authority to limit its approval of amendments to the zoning code and the official zoning map to limit certain land use activities, protect public health, safety, and welfare of humans and the environment, and ensure its ability to serve properties/individuals with adequate public services.

### Proposed Findings & Conclusions

#### 1. Procedure.

- a) On June 17, 2024 the Community Development Department received a rezone application from Magdalena and James McCay to change the zoning on the subject property to Neighborhood Mixed Use.
- b) The Community Development Department reviewed the application and determined that it was complete, in accordance with VMC 17.12.080(E)(1).
- c) A public hearing was scheduled for July 9, 2024, to consider the zoning change.
- d) Notice of the meeting was published in the Copper River Record on June 26, 2025.
- e) Notice of the publication was published in KVAK's e-blast newspaper on June 23, 2025 and June 30, 2025.
- f) Notice of the meeting was published on the City of Valdez website on June 23, 2025, in accordance with VMC 17.12.080(E)(5) and 17.12.160(C)(1).
- g) Notice of the meeting was mailed on June 23, 2025 to the 16 property owners within 300 feet of the subject property, in accordance with VMC 17.12.080(E)(5) and 17.12.160(C)(2).
- h) A document holder was posted on the Richardson Highway with public notice flyers on June 23, 2025, in accordance with VMC 17.12.080(E)(5) and 17.12.160(C)(3).

#### 2. Consistency with the Comprehensive Plan and its goals and policies. VMC 17.12.080(C)(2) and 17.12.080(E)(4)(b)

- a) Goal 2.1, Action E in Plan Valdez, the comprehensive plan for the City of Valdez, is, *"Rezone parcels to align with the Future Land Use Map."*
- b) VMC 17.04.030(A) states, *"The comprehensive plan of the city of Valdez is the primary policy document to guide land use ... decisions within the city."*
- c) VMC 17.04.030(B) states, *"The comprehensive plan shall provide guidance for actions including, but not limited to, rezoning as referenced herein."*
- d) The Future Land Use Map depicts the subject property within the Residential Neighborhood place type.
- e) Residential uses are listed as primary and supporting uses in the Residential Neighborhood place type with commercial uses listed as incompatible land uses.
- f) The Neighborhood Mixed Use zoning district allows more commercial uses than are allowed in the Rural Residential and Moderate Density Residential zoning districts.
- g) The Neighborhood Mixed Use zoning district allows fewer commercial uses than are allowed in the current zoning district of General Commercial.
- h) The area across the highway from the subject property is depicted on the comprehensive plan future land use map as Mixed-Use Center place type.

- i) Although the subject property is displayed on the future land use map with the Residential Neighborhood place type, the proposed rezone is consistent with the place types displayed in the immediate vicinity of the subject property, across the Richardson Highway and with the current zoning of multiple parcels to the north, south, and across the Richardson Highway.
- j) Although the proposed rezone to Neighborhood Mixed Use is not consistent with the Residential Neighborhood place type depicted on the future land use map for the subject property, Neighborhood Mixed Use is consistent with the place type more consistent than the current zoning of General Commercial.
- k) Community Development staff consulted with the city attorney on this rezone application. The city attorney gave the opinion that the rezone request *“is consistent with the guidance provided by the Comprehensive Plan and does not require amendment of the Comprehensive Plan.”*
- l) The Future Land Use Map depicts the Gateway Corridor Overlay place type along the Richardson Highway and includes the subject property and other properties adjacent to the road.
- m) The Gateway Corridor Overlay place type is described as, *“Protects and improves the aesthetic and visual character of the land directly adjacent to roadway corridors.” It further states, “The underlying place type continues to be a compatible use with an emphasis on creating a positive visual experience along the corridor while providing for continued safe and efficient use of the roadway.”*
- n) The proposed rezone of the property will not change the visual or aesthetic character of the land and will help facilitate the property owner’s plan to remove the existing self-storage business and replace with housing units.
- o) Goal 2.2 in Plan Valdez is, *“Encourage redevelopment and new development”*.
- p) The rezone to Neighborhood Mixed Use is consistent with the goals and action items in Plan Valdez.

### 3. Potential impact on public services. VMC 17.12.080(C)(2) and 17.12.080(E)(4)(c)

- a) The property currently has a connection to city water.
- b) The developer to the north is planning to extend city water and other utilities down Skidder Street, which abuts the property.
- c) A new individual septic system will serve the proposed home to be relocated to the property.
- d) Notice of the application was provided to the following city departments: Fire, Police, Public Works, and the Building Official.

### Staff Recommendation

Staff recommends that the Planning & Zoning Commission forward Rezone 25-01 to the City Council with the recommendation of approval.