



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda

Planning and Zoning Commission

Wednesday, September 14, 2016

7:00 PM

Council Chambers

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. [Approval of Regular Meeting Minutes](#)

Attachments: [PZ meeting minutes 8-10-16.docx](#)

IV. PUBLIC APPEARANCES

V. PUBLIC BUSINESS FROM THE FLOOR

VI. PUBLIC HEARINGS

1. [Public Hearing \(Rezone #16-07\) rezone of Lt. 2, ASLS 78-139, from G \(General Commercial\) to C-R \(Commercial Residential\)](#) [Applicant: Allen Minish](#)

Attachments: [Rezone application.pdf](#)
[ValdezMap1.pdf](#)

VII. REPORTS

1. [Zoning & Subdivision Activity Report - September 2016](#)

Attachments: [Zoning & Subdivision Activity Report - September 12 2016.docx](#)

VIII. COMMISSION BUSINESS FROM THE FLOOR

IX. ADJOURNMENT



Agenda Statement

File #: 16-0107 **Version:** 1

Type: Minutes **Status:** Agenda Ready

File created: 9/9/2016 **In control:** Planning and Zoning Commission

On agenda: 9/14/2016 **Final action:**

Title: Approval of Regular Meeting Minutes

Sponsors:

Indexes:

Code sections:

Attachments: [PZ meeting minutes 8-10-16.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Regular Meeting Minutes

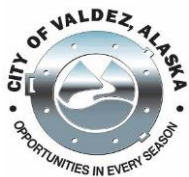
SUBMITTED BY: Keri Talbott, Planning Technician

RECOMMENDATION:

Approval of Regular Meeting Minutes.

SUMMARY STATEMENT:

Approval of Minutes.



City of Valdez

212 Chenega Ave.

Valdez, AK 99686

Meeting Minutes

Planning and Zoning Commission

Wednesday, August 10, 2016

7:00 PM

Council Chambers

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Present 11 - Chair Donald Haase
Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Harold Blehm
Commission Member Kristian Fagerberg
Commission Member Roger Kipar
Commission Member Steven J Cotter
Sr. Office Assistant Keri Talbott
Sr. Office Assistant Selah Bauer
Director of Community & Economic Development Lisa Von Bargaen
Sr. GIS Planning Tech AnnMarie Lain

III.. PUBLIC BUSINESS FROM THE FLOOR

Mr. and Mrs. Josh Swierk stated they came to address the Commission on several items. They were unable to attend the last meeting and wanted to explain that they will not be attending meetings where Mr. Cummings would be in attendance. History with Mr. Cummings has been confrontational. Mr. Swierk believes Mr. Cummings slanders them at these meetings.

Mr. Swierk stated that he would like to address some of the things they have been accused of. Things like violating covenants, vandalism, theft, and most recently the

accusation of pumping raw sewage on to the neighbor's property.

Mr. Swierk stated he would like to address those items. The tumultuous history with Mr. Cummings has been going on for over twelve years.

The two properties that they have applied for the CUP are actually on top of a hill.

The lodge property they had originally had a Conditional Use Permit for rental cabins. It was recorded to the deed. It made it very difficult for them because the banks do not like it. To get a mortgage, they had to remove the CUP from the deed.

Mr. Swierk stated he has an extensive construction background. He was accused of building on un-compacted soil, which is not true because the house sits on solid bedrock. He has 18 inch concrete footers down and can show pictures. He was accused of not putting in a proper driveway. Mr. Cummings has pictures of the driveway which sloughed in 2012. Many areas in the City sloughed that year. The road did not go anywhere. The water ran off the compacted soil on to the road fabric and on to the bedrock and it sloughed. That was repaired. It was repaired legally and with FEMA money. It was engineered by Bill Harris's engineer. They hauled rock in there. When they were hauling rock in there from the State quarry, Mr. Cummings called the state and accused them of stealing rock out of there. The State informed Mr. Cummings that they did have permits, and that everyone is entitled to buy gravel or rock from there for their own use.

Mr. Swierk stated that they applied to the City again to get a CUP for cabins. Mr. Cummings convinced the City that the cabins were in the utility easement and setbacks. City Administration hired engineer Allen Minish to prove that not only were Mr. Swierk's buildings out of the easements, but they were also well out of the setbacks. It took nine months. They missed that building season.

Mr. Swierk stated they have seven rental cabins or RV's, if that is how they are categorized. The State of Alaska registers them as trailers because they are built on dual axel trailers, and built by Bob Zastrow on steel trailers, they are under 200 sq. feet and self contained. Two of the trailers are not being lived in, they are next to his shop. Four are still at their ski base. Mr. Swierk is contesting the accusation made by Mr. Cummings that his septic on his rental house is not working properly, or that he's been pumping raw sewage from his Lodge onto Mr. Cummings property, or that there is no proper fire alarms etc. on Swierk's property. Mr. Swierk said the accusations made by Mr. Cummings at the last Commission meeting were all unfounded, slanderous, and intended to hold back the progression of Mr. Swierk's business. Mr. Swierk is not sure that they are going to do anything commercial or permanent with the small cabins on their property at this point, however, they would like Lisa Von Borgen, or someone with the City, to come inspect their cabins anyway, just so they can prove that they are doing everything lawfully, etc.

Commissioner Reese told Mr. and Mrs. Swierk that none of the complaints from Mr. Cummings regarding the Swierk's land, cabins, sewage etc. had any bearing on him. His only concern was that he wasn't comfortable issuing a CUP on any of his buildings before an inspection had been done, due to potential liability issues. Mr.

Swierk asked if they needed inspections since they were small enough to be considered trailers. Ms. Von Barga clarified that buildings under 200 ft² that are not for human occupancy (e.g. a shed) don't require a building permit, but buildings that are under 200 ft² and made for human occupancy still require a building permit. She said an inspection is needed to clarify how to identify what legal descriptions the cabins fall under.

IV. PUBLIC HEARINGS

Agenda Item #1: Chairman Haase presented the next item discussed by the Commission as a Public Hearing for Rezone# 16-06, a rezone of Tracts 2 & 3, Alpine Village from, Multi-Family Residential (RC), to Tract 2 being Commercial Residential (CR), and Tract 3 being Light Industrial (LI). Applicant Dwaine Dunning was present. No discussion occurred at this meeting, but will be picked up at the next Commission meeting and will be on the next agenda.

Jim Gifford expressed his concern that the property seems to have a junkyard on it, with many broken down cars that are encroaching out to the highway and entrances of the property. Mr. Gifford said the property is an eyesore. Mr. Gifford said according to the City, the junkyard is illegal. He is concerned about the salmon stream running through the property becoming toxic and flowing out into Robe Lake, he cited the EPA and other entities that have Best Practices and rules that are not being followed by the land owner. Mr. Gifford would like to see the junk being removed or made into an actual, legal junk yard and follow the specific laws pertaining to junk yards. Mr. Haase asked Mr. Gifford if the junk cars were removed etc., would he be ok with the rezoning of this property. Mr. Gifford replied, "Correct."

The Public Hearing came to a close.

(Rezone #16-06) Approve Recommendation to City Council to Authorize the rezone of Tracts 2 & 3, Alpine Village, from Multi-Family Residential (RC) to Tract 2 Commercial Residential (CR) and Tract 3 Light Industrial (LI). Applicant: Dwain Dunning

V. NEW BUSINESS

(SUBD #16-06) Approval of Preliminary Plat of the Replat of Tracts 2 & 3, Alpine Village Subdivision. Applicant: Dwain Dunning.

MOTION: Chair Pro Tempore Gondek moved, seconded by Commission Member Cotter, to Approve (SUBD 16-06) Preliminary Plat of the Replat of Tracts 2 & 3, Alpine Village Subdivision. Applicant: Dwain Dunning. The motion carried by the following vote after the following discussion occurred.

Ann Marie Lain gave some background information to the Commission regarding the rezone request made by Mr. Dwain Dunning. She said the applicant is interested in doing a lot-line adjustment to bring Tract 2 to a total of two acres. No comments were made. The Commission voted and the motion carried.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission

Approve the Final Plat of (SUBD 16-02) Alaska State Cadastral Survey No. 98-30

MOTION: Commission Member Reese moved, seconded by Commission Member Fagerberg, to Approve the Final Plat of (SUBD 16-02) Alaska State Cadastral Survey No. 98-30. Applicant: City of Valdez. The motion carried by the following vote after the following discussion occurred.

The location refers to the Brown's Creek area by Keystone Canyon. AnnMarie Lain gave background information stating that the survey has been in the process since 1997. It was brought back to the Commission for preliminary approval in February of 2016, and then had to go through the State preliminary approval process before it could be brought back for final approval. The State is now asking for a final Mylar so that 1,900 acres can be conveyed to the City. If it gets final permission through the Commission, it will need to get approval from City Council because it will ultimately become City land once it's been conveyed.

No public comments were made.

Motion carried.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Cotter

(EXCEPT #16-01) Approval of Exception for Encroachment of Two Feet by an Existing House into the Western Side Yard Setback on Lot 9A, Block 7, Mineral Creek Subdivision. Applicant: Myrna Dahl.

MOTION: Commission Member Kipar moved, seconded by Commission Member Cotter, to (EXCEPT #16-01) Approve Exception for Encroachment of Two Feet by an Existing House into the Western Side Yard Setback on Lot 9A, Block 7, Mineral Creek Subdivision. The motion carried by the following vote after the following discussion occurred.

Background information was given by Lisa Von Bargaen. She said the applicant came in to get a permit to put a smaller structure on the property and it was noted that the house encroaches two feet into the existing side yard setback. It is allowed under current code. This is an old house and Ms. Von Bargaen suggested it would be best to make an exception. There is no opposition or comments from the public.

Motion passed.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Cotter

VI. REPORTS

Lisa Von Bargaen said the City Manager asked the Community Development Department to put together a matrix report regarding everything that's going on in that department (zoning, subdivision activity, and building permits) and to map them out throughout the community. Ms. Von Bargaen said this was the first attempt at that report. It's on the agenda to show how much zoning and subdivision activity has taken place this year.

Zoning & Subdivision Activity Report YTD thru August 8, 2016.

Ms. Von Bargaen stated that the City Manager had requested a more comprehensive report.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Fagerberg explained his Boss, Larry Chesley, is concerned about the road being shut down for the Arch going in downtown, and believes turning the tight corners will harm the big trucks. Commissioner Fagerberg said TSA is the only entity that can reroute Big State. Lisa Von Bargaen said she would have Todd Wegner, Assistant City Manager and Laura Langdon, Project Manager, contact Mr. Chesley regarding the rerouting issue.

Commissioner Blehm stated his concern about the radio antenna for KCHU at the Glacier Stream near Old Town. The shift has put it within 100 feet of the radio tower and he's concerned the tower will fall. Ms. Von Bargaen suggested Mr. Blehm speak with Rob Comstock, Director of Public Works, regarding this issue.

Commissioner Kipar questioned if the house on Mendeltna had been abated. Ms. Von Bargaen stated that the step-daughter is the assigned power of attorney but she does not have an original copy of the will. She does not have the legal capacity to deal with the property until she gets an original copy of the will. The City is trying to help her. Mitigation of the house is being considered. The condition of the property is beyond repair. She is attempting to deal with it from another location.

Commissioner Haase welcomed Selah Bauer in her new position.

VIII. ADJOURNMENT

There being no further business Chair Haase adjourned the meeting at 7:58PM.



Agenda Statement

File #: 16-0108 **Version:** 1
Type: Public Hearing **Status:** Agenda Ready
File created: 9/8/2016 **In control:** Planning and Zoning Commission
On agenda: 9/14/2016 **Final action:**
Title: Public Hearing (Rezone #16-07) rezone of Lt. 2, ASLS 78-139, from G (General Commercial) to C-R (Commercial Residential)
Applicant: Allen Minish

Sponsors:

Indexes:

Code sections:

Attachments: [Rezone application.pdf](#)
[ValdezMap1.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Public Hearing (Rezone #16-07) Rezone of Lot 2, ASLS 78-139, from General Commercial (G) to Commercial Residential (C-R). Applicant: Allen Minish

ED BY: Keri Talbott, Planning Technician

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)
Unencumbered Balance: [Click here to enter text.](#)
Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

Public hearing only.

SUMMARY STATEMENT:

The City of Valdez received a rezone request from Mr. Minish on August 23rd, 2016 for Lot 2, ASLS 78-139. This lot is currently zoned as General Commercial. Mr. Minish would like to rezone his Lot 2 to Commercial Residential for the purpose of using it as a residential unit and business purposes. His plans include a test lab (not marijuana related), an office, and a storage facility. Professional offices, single-family and duplex residences are permitted uses within the Commercial Residential zoning district. A storage facility is not specifically listed as a permitted or conditional use within the district. There are some storage type uses allowed, so this intended use will have to be more specifically outlined by the applicant for staff to confirm if it is allowable. The properties surrounding Mr. Minish's lot are zoned General Commercial, Light Industrial, Commercial Residential and Multi-Family Residential. The intent of the current zoning is listed below.

17.30.010 Intent.

The G (general commercial) district is served by the major and essential utilities of sewer, water, and electricity and is intended to include those areas which are heavily exposed to automobile traffic. 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.

The intent of the desired zoning is listed below.

17.26.010 Intent.

The C-R (commercial residential) district is intended to allow commercial and light industrial uses of land which do not detract from the residential use of the land by introducing excess noise, increased safety hazards, air pollution or water pollution.

The Comprehensive Plan offers goals and objectives that provide guidance on general land use, economic development, and commercial-business land use, and industrial land use. Only those relevant to the specific zoning change are listed below.

Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.

Objective- Develop a community plan which accommodates resource related industrial development that meets the desires of community residents.

Goal - Land Use: Provide a community land use pattern that is compatible with existing land use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective - Provide for the adequate separation of incompatible land uses.

Section 17.54.020(C) of the Valdez Municipal Code states the following regarding the required area for a rezone. **Minimum Area** states: "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, not including street or alley rights-of-way."

The lots proposed for the rezone equal approximately 3.705 acres. Therefore this zoning application meets the code requirement for minimum area.

Section 17.54.040 Public Hearing states: "The planning and zoning commission shall hold at least one public hearing before considering any change or amendment to the provision of this title or the boundaries of the districts."

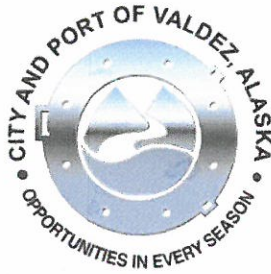
The Public Hearing to be held on September 14, 2016 meets the Public Hearing code requirement.

Section 17.06.060(B1) Notification Requirements states: "A notice shall be posted and published. The notice shall be published at least once a week for the two consecutive weeks prior to the date of the public hearing in a newspaper of general circulation. The last date of publication shall not be less than three days before the date of the public hearing."

Notification was posted on the City Hall bulletin board located at 212 Chenega Avenue on September 2nd, 2016. Notification was published in the Valdez Star on September 7 and September 14, 2016.

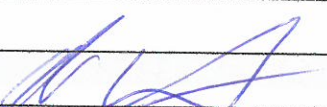
Section 17.06.060(B2) Notification Requirements states: "A notice shall be also be sent by mail at least ten days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action."

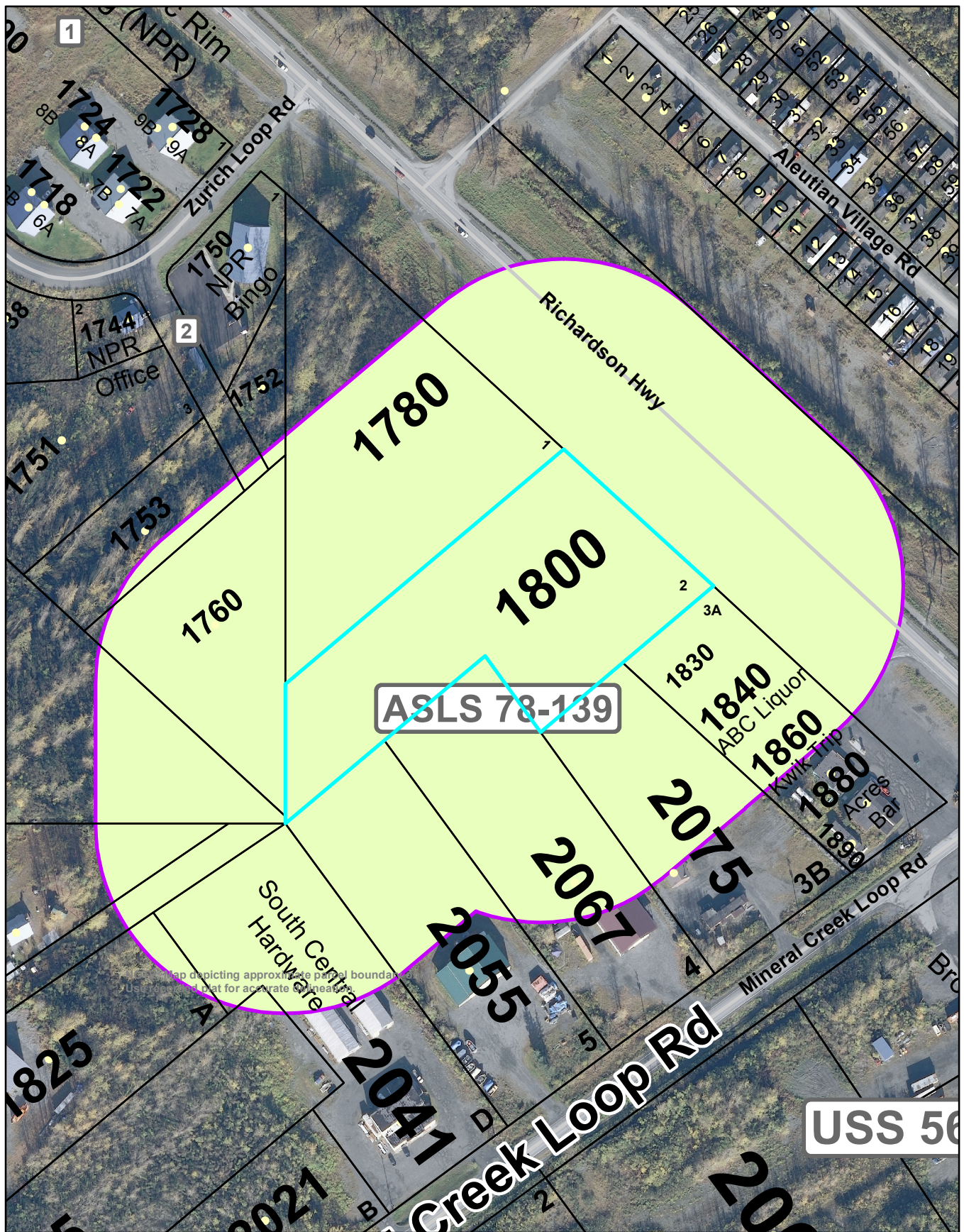
Notice was sent to all property owners within 300 feet of Lot 2, ASLS 78-139 on September 6, 2016. As of September 9, 2016 Staff had not received any comments from neighbors, utilities, or other notified agencies on the rezone.



FEE: \$50.00
SITE PLAN
WAIVED 2013 PER
RESOLUTION #12-72

CITY OF VALDEZ
APPLICATION FOR REZONE

APPLICATION NUMBER 16-07	DATE 8/23/16
NAME OF APPLICANT ALLEN MINISH	
ADDRESS OF APPLICANT: PO BOX 118, CHITINA AK 99566	
DAYTIME PHONE 907-259-2280	
LEGAL OWNER: ALLEN MINISH	
ADDRESS: SAME	
PHONE NUMBER 907-259-2280	
LOCATION OF PROPERTY AND/OR LEGAL DESCRIPTION/STREET ADDRESS	
1800 RICHARDSON HIGHWAY, LT 2, ASLS 78-139	
CURRENT ZONING: CENTRAL BUSINESS DISTRICT	
PROPOSED ZONING C-R COMMERCIAL RESIDENTIAL DISTRICT	
DESCRIPTION OF PROPERTY, INCLUDING SQUARE FOOTAGE OR ACREAGE.	
3.705 ACRES.	
WHY IS THE PROPERTY MORE SUITED FOR THE PROPOSED ZONING DISTRICT THAN FOR THE PRESENT ZONING?	
PROPERTY WAS PREVIOUSLY ZONE LI, THEN WAS CHANGED TO CBD BY PREVIOUS OWNER, BUT DUE TO ITS SIZE, OWNERS NEEDS AND EXPANSION OF BUSINESS INTERESTS THE PRESENT REQUESTS THIS NEW ZONING.	
SIGNATURE 	DATE 8/24/16





Agenda Statement

File #: 16-0109 **Version:** 1

Type: Report **Status:** Agenda Ready

File created: 9/12/2016 **In control:** Planning and Zoning Commission

On agenda: 9/14/2016 **Final action:**

Title: Zoning & Subdivision Activity Report - September 2016

Sponsors:

Indexes:

Code sections:

Attachments: [Zoning & Subdivision Activity Report - September 12 2016.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Zoning & Subdivision Activity Report - September 2016

SUBMITTED BY: Lisa Von Bargaen, CEDD Director

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

None. Report only.

SUMMARY STATEMENT:

Please see attached report.

September 12, 2016

To: Chairman Haase & Planning/Zoning Commission Members
From: Lisa Von Bargen, CED Director
Re: Zoning & Subdivision Activity Report – September 12, 2016

Rezones

Rezone #16-04

Lots 1-3, Tract D, Port Valdez Subdivision
Single-Family Residential (RA) to Commercial Residential (CR)
P&Z Public Hearing: May 25, 2016
P&Z Action (Postponed): June 8, 2016
P&Z Action (Approved): July 27, 2016
Council Ordinance First Reading, Public Hearing (Approved): August 23, 2016
Council Ordinance Second Reading, Adoption (Approved): September 6, 2016

Rezone #16-06

Tracts 2 & 3, Alpine Village Subdivision
Tract 2: Multi-Family Residential (RC) to Commercial Residential (CR)
Tract 3: Multi-Family Residential (RC) to Light Industrial (LI)
P&Z Public Hearing: August 10, 2016
P&Z Action (Approved): August 31, 2016
Council Ordinance First Reading, Public Hearing (Approved): September 6, 2016
Council Ordinance Second Reading, Adoption (Scheduled): September 20, 2016

Rezone #16-07

Lot 2, ASLS 79-139
General Commercial (G) to Commercial Residential (CR)
P&Z Public Hearing: September 14, 2016
P&Z Action (Scheduled): September 28, 2016
Council Ordinance First Reading, Public Hearing (Scheduled): October 4, 2016
Council Ordinance Second Reading, Adoption (Scheduled): October 18, 2016