



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda

Planning and Zoning Commission

Wednesday, September 28, 2016

12:00 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 from August 31, 2016.](#)

Attachments: [08312016 PZ MeetingMinutes.docx](#)

2. [Approval of the Regular Meeting Minutes of September 14, 2016.](#)

Attachments: [MeetingMinutes16-Sep-2016-11-55-28.docx](#)

IV. PUBLIC BUSINESS FROM THE FLOOR

V. NEW BUSINESS

1. [\(Rezone #16-07\) Approval of Recommendation to City Council to Rezone Lot 2, ASLS 78-139 from General Commercial \(G\) to Commercial Residential \(CR\).](#)

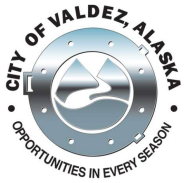
Attachments: [Rezone application.pdf](#)
[ValdezMap1.pdf](#)
[Minish REZONE_FC_09_20_16_.docx](#)
[Minish current zoning colored map.pdf](#)

2. [\(TLUP #16-03\) Approval of Temporary Land Use Permit with Western Marine for a Two-Acre Portion of Tracts V & W, South Harbor 2015 Subdivision.](#)

Attachments: [Western Marine New Harbor Upland 2016.doc](#)

VI. COMMISSION BUSINESS FROM THE FLOOR

VII. ADJOURNMENT



Agenda Statement

File #: 16-0122 **Version:** 1

Type: Minutes **Status:** Agenda Ready

File created: 9/14/2016 **In control:** Planning and Zoning Commission

On agenda: 9/28/2016 **Final action:**

Title: Approval of Regular Meeting Minutes from August 31, 2016.

Sponsors:

Indexes:

Code sections:

Attachments: [08312016 PZ MeetingMinutes.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Regular Meeting Minutes from August 31, 2016.

SUBMITTED BY: Keri Talbott, Planning Technician
Selah Bauer, Senior Administrative Assistant.

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Regular Meeting Minutes from August 31, 2016.

SUMMARY STATEMENT:

Please see the attached draft minutes for review and approval.

Regular Meeting - Moved from 8/24 Due to Scheduling Conflicts



City of Valdez

212 Chenega Ave.

Valdez, AK 99686

Meeting Minutes

Planning and Zoning Commission

Council Chambers

Wednesday, August 31, 2016

7:00 PM

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Present 7 - Chair Donald Haase
Commission Member Brandon Reese
Commission Member Harold Blehm
Commission Member Kristian Fagerberg
Commission Member Roger Kipar
Planning Technician Keri Talbott
Sr. GIS Planning Tech AnnMarie Lain

Excused 2 - Chair Pro Tempore Jess Gondek
Commission Member Steven J Cotter

III. PUBLIC BUSINESS FROM THE FLOOR

IV. NEW BUSINESS

1. CUP #16-03: Approval of Conditional Use Permit for Four (4) Rental Cabins on Lot 9, USS 5670 and Two (2) Rental Cabins on Lot 10, USS 5670. Applicant: Josh Swierk.

MOTION: Commission Member Reese moved, seconded by Commission Member Blehm, to Approve CUP #16-03: Conditional Use Permit for Four (4) Rental Cabins on Lot 9, USS 5670 and Two (2) Rental Cabins on Lot 10, USS 5670 with the conditions outlined in the Findings & Conclusions.

Commissioner Blehm explained that the Conditional Use Permit looked complete. He felt the biggest sticking point was the covenants and the City does not have any authority over them or position to comment on them, other than to refer them to the Civil Authorities.

Commissioner Reese explained that there was incorrect information given to the

Regular Meeting - Moved from 8/24 Due to Scheduling Conflicts

Commission initially, and he wanted to be on record apologizing to Mr. Swierk for the delays. The concerns that were brought forward were pretty significant and he wanted to make sure the Commission was fair to everyone and they had the answers. He stated he is all in favor of this project.

Commissioner Kipar stated that Mr. Swierk had clarified a lot of questions the Commission had at the last meeting. Commissioner Reese stated that any questions that they still had were listed in the conditions.

Commissioner Blehm stated he had a question about drainage on that property. He explained it appeared from the aerial picture that everything will drain into the Lowe River.

Chairman Haase stated he had a question for staff on requirement number five. It states that the site plan shall show that there shall be onsite parking and on site snow storage. He questioned if that was something normally required for businesses? Mrs. Lain explained that was correct.

Commissioner Kipar stated that for clarification he wanted to explain that down from Mr. Swierk across the street is a huge snow storage area. He explained he is looking for clarification that this would not be used by Mr. Swierk then because he is a commercial entity and is required to have his own snow storage? Mrs. Lain explained that was her understanding for commercial lots.

Mrs. Lain stated she would have to do some research on Residential versus Commercial snow removal. Commissioner Kipar stated that the code states it very simply that the snow has to be pushed to the nearest public snow dump.

Chairman Haase explained that as he re-read it, it did not seem to have any teeth, it just states that Mr. Swierk has to present a plan. It does not say what the plan has to be, just that he has to provide one.

Commissioner Kipar stated he would like the language on the snow removal requirements removed. He moved to amend the motion and remove condition number five and Commissioner Fagerberg seconded. Chairman Haase recapped by stating they would remove the language of 'on-site snow storage' from item number five.

MOTION TO AMEND: Commission Member Kipar moved, seconded by Commission Member Fagerberg, to Approve CUP #16-03: Conditional Use Permit for Four (4) Rental Cabins on Lot 9, USS 5670 and Two (2) Rental Cabins on Lot 10, USS 5670 with the conditions outlined in the Findings & Conclusions except the language addressing the snow storage requirements.

Commissioner Blehm stated he would like to leave snow storage in the language. Lots in town are required to have a plan and snow that is generated by the property needs to be stored on the property.

Mr. Dwain Dunning said that there is a snow dump on both sides of Cummings Way.

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Mr. Swierk will be able to push snow across the street to the snow dump if needed.

Commissioner Kipar stated that expecting Mr. Swierk to push snow uphill is unreasonable. It is impossible. Requiring him to own a snow-cat is not tangible. Mr. Dunning confirmed that Mr. Swierk will take the shortest route to push the snow and go from there.

Commissioner Blehm stated that they had been discussing this item for fifteen minutes. If they included it in the wording, it was a loose end tied up. If they did not include it, it could become a problem. If there is a stated plan, and he doesn't comply with it, then it is a separate issue. If it is not stated anywhere it will become a problem again.

All five Commissioners voted in favor of striking 'on-site snow storage' from the conditions.

Mr. Dunning stated his main concern is the required parking for that many units. There will not be parking allowed in the snow dumps in the winter.

All five Commissioners voted in favor of the Conditional Use Permit for the Swierk's.

VOTE ON THE AMENDMENT:

Yays: 5 - Chair Haase, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, and Commission Member Kipar

Absent: 2 - Chair Pro Tempore Gondek, and Commission Member Cotter

VOTE ON THE AMENDED MOTION:

Yays: 5 - Chair Haase, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, and Commission Member Kipar

Absent: 2 - Chair Pro Tempore Gondek, and Commission Member Cotter

2. (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

MOTION: Commission Member Kipar moved, seconded by Commission Member Blehm, to Approve the 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).

Commissioner Blehm stated he would like to thank Mr. Gifford for his letter. It pointed out several items that he had thought of himself. He asked Mr. Dunning to address the issue of not removing the junk vehicles from his property.

Regular Meeting - Moved from 8/24 Due to Scheduling Conflicts

Mr. Dunning stated that the aerial is not correct. He stated that to be fair, everything Mr. Gifford stated was correct. Mr. Dunning explained he had been working diligently with staff this summer to come up with a plan for the junk vehicles. Dumping vehicles is not allowed on the back side of Hobart Street any longer. In the last two weeks, Hobart had been cleaned except for the motor home. All the vehicles are pushed up on to the K & K recycling property. None of those vehicles had been drained.

Mr. Dunning explained he has brought in a crusher. He has been moving vehicles around on the property and getting it set up. The weather has not cooperated, and Has created high ground water. The crusher has sunk once already.

Mr. Dunning explained that this property has been before Planning and Zoning before for a rezone to make the property more useable. Since the mid 1990s, the property has not been in compliance.

Commissioner Reese questioned if Mr. Dunning is draining all the vehicles he would be crushing. Mr. Dunning stated he is. He has not been able to haul steel to Anchorage as the price of steel is down. He has been conferring with staff on where to place the cars. If they haul his vehicles to the dump, then the City will lose an acre of land three feet tall.

Mr. Dunning explained his intention is to haul the cars to Anchorage next year. This year he was unable to haul because of other things going on. Every year except this year it he was hauling 75 to 80 cars. Mr. Dunning explained he is the only person hauling cars right now. The Police Department calls him for vehicle removal.

Chairman Haase asked what the policy is for the city. Is there anywhere you can legally take a vehicle at this point?

Mrs. Lain explained that this is a huge issue at this point. One junk yard is at capacity in height. The amount of junk vehicles is a huge community-wide issue. She stated that she has been having meetings with the City Manager, and the Police Chief because there is not even any place to impound vehicles for Police calls. The issue with junk vehicles is exponential. Right now the goal is to first identify a place for impounding; and second identify a storage place to attract haulers to get them to Anchorage. Ms. Lain explained that she understands the frustration of having an illegal junk yard, or storage facility for vehicles, and it is not unique to this property owner. It is a huge city wide issue that they are trying to come up with some solutions for.

Mr. Dunning explained that he is still collecting cars because he is still getting calls from the Police Department and there have not been any reliable competitive tow providers in Valdez. The other tow company is out of Glennallen. He explained it is not fair to visitors to be stranded. If there was another person who would step up to the plate to do simple towing, he wouldn't do it.

Commissioner Reese asked Mr. Dunning where he was on the idea of a fence. Most junk yards have fences around them so that people do not see in.

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Commissioner Blehm stated that in a few years, a fence becomes an eyesore itself. The fences get crushed by snow and overtaken by vegetation. Commissioner Blehm stated that they are starting to talk about abatement issues again and he wanted to get back on to zoning issues. The City will need to discuss the junk vehicle plan to get rid of vehicles. Commissioner Reese agreed that it was time to get back on topic, but stated this item still needs to be discussed.

Chairman Haase asked the Commission if they would like to have this topic on another meeting. The Commission agreed that they would like abatement to be on the next agenda. Ms. Lain stated that it would be appropriate to invite the Public Works Director and the Police Chief who have been working on some of these alternative solutions.

Chairman Haase explained that with the letter the Planning & Zoning Commission received on the conditional use permits, it should be looked at with rezones too. It outlined that past performance of applicants should not reflect on the applications. They should be looking at it as if the application was a good use for that land. He stated they need to make sure they were doing what is right for the land, not for the applicant.

Commissioner Reese asked from a Comp Plan perspective, if there are there other places where there are three different zones right next to each other. Chairman Haase stated that is a good question.

Ms. Lain stated it depends on the size of the parcel. Anything over two acres is large enough and allowable by code to be rezoned. It is not considered spot zoning. In this case it is allowable by code.

Mrs. Lain stated she wanted to point out that currently this land zoned Multi-Family Residential. Since Commissioner Reese mentioned the Comprehensive Plan, and in the code the intent of Multi-Family Residential district is to include lands for urban development which are provided with a full range of public utilities including sewers, water, electricity, including street drains, or intended to be provided with such facilities in the future. She explained that on Staff's review of this and looking at the intent of the Multi-Family Residential District, plans for the implementation of water and sewer have not been provided, nor is there intent to provide them in the future. This land is not ideal as Multi-Family Residential. These are the things that our review looks at.

Mr. Gifford stated that in regard to the attorney's determination on past practice that they are not only talking about past practice. It is on-going and continuing practice of operating an illegal junk yard in violation of City ordinance. He explained it now sounds like the Police Department is participating in this illegal business. Mr. Gifford stated he felt it was inappropriate to approve this recommendation to City Council. He explained that the condition that listed 'any future change of the property' was weak. It is being used illegally now, so it will still be allowed under this stipulation to continue because the City of Valdez does not have a solution.

Chairman Haase stated he would like to separate the issue of the junk yard, which is

Regular Meeting - Moved from 8/24 Due to Scheduling Conflicts

an enforcement issue and very important and we all agree that it is in violation for the issue of the zoning change. The new zoning would not allow a junk yard any more than the current zoning. By granting a zoning change, we are not granting a favor to an individual, what we are doing is saying that this piece of property has a better use in a different zone.

Commissioner Blehm questioned if they approve this and send it to City Council, can they include language stating that they know there are abatement issues that need to be addressed. If the Police Department has been giving vehicles to Mr. Dunning to get rid of, he does not want to be a part of that. It is terrible that the City is being contributory to this issue.

Commissioner Kipar stated he would like to address abatement issues at another meeting. Chairman Haase agreed that it would then give notice to the public that topic is going to be discussed.

Commissioner Blehm again questioned if they could send this approved to City Council with the wording of knowing there is an abatement issue that is separate from the zoning. Chairman Haase asked if they would be okay with Staff drafting the language and attaching it to the agenda for City Council. The Commissioners were in favor.

VOTE ON THE MOTION:

Yays: 5 - Chair Haase, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, and Commission Member Kipar

Absent: 2 - Chair Pro Tempore Gondek, and Commission Member Cotter

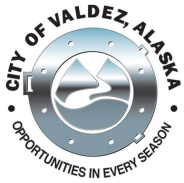
V. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Kipar stated that he felt he had expressed how serious the abatement issues are. Fining people is not going to solve the problem. It needs to be addressed how serious it is.

Commissioner Reese explained that abatement issues are really why he became involved with the Planning & Zoning Commission. The City is spending millions of dollars to beautify, but coming up with solutions to abatement issues and how they get there is challenging. It is time to hire someone. Chairman Haase explained that it is a very important issue. The conversation will hopefully continue when it is on the agenda.

VI. ADJOURNMENT

There being no further business, Chairman Haase adjourned the meeting at 8:38 P.M.



Agenda Statement

File #: 16-0123 **Version:** 1

Type: Minutes **Status:** Agenda Ready

File created: 9/26/2016 **In control:** Planning and Zoning Commission

On agenda: 9/28/2016 **Final action:**

Title: Approval of the Regular Meeting Minutes of September 14, 2016.

Sponsors:

Indexes:

Code sections:

Attachments: [MeetingMinutes16-Sep-2016-11-55-28.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of the Regular Meeting Minutes of September 14, 2016.

SUBMITTED BY: Keri Talbott, Planning Technician and Selah Bauer, Senior Administrative Assistant

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

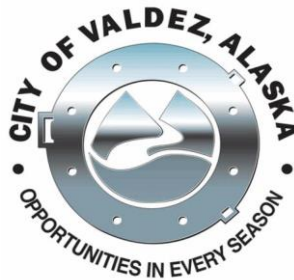
Approve Regular Meeting Minutes of September 14, 2016.

SUMMARY STATEMENT:

Please see the attached draft minutes of September 14, 2016 for review and approval.

City of Valdez

*212 Chenega Ave.
Valdez, AK 99686*



Meeting Minutes - Draft

Wednesday, September 14, 2016

7:00 PM

Council Chambers

Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Present 9 - Chair Donald Haase
Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Kristian Fagerberg
Commission Member Roger Kipar
Commission Member Steven J Cotter
Planning Technician Keri Talbott
Sr. Office Assistant Selah Bauer
Director of Community & Economic Development Lisa Von Bargaen

Excused 1 - Commission Member Harold Blehm

Absent 1 - Sr. GIS Planning Tech AnnMarie Lain

III. APPROVAL OF MINUTES

MOTION: Commission Member Kipar moved, seconded by Commission Member Cotter, to Approve the Regular Meeting Minutes of August 10, 2016. The motion carried by the following vote after the following discussion occurred.

Yays: 6 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Cotter

Absent: 1 - Commission Member Blehm

1.

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

IV. PUBLIC APPEARANCES

V. PUBLIC BUSINESS FROM THE FLOOR

VI. PUBLIC HEARINGS

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

Note

Phyllis Johnson spoke and said she has the adjoining property to Mr. Minish's property. She asked how the rezoning of Allen Minish's property from Commercial to Commercial Residential will affect her property. Community and Economic Development Director, Lisa Von Bargaen, said she will provide Ms. Johnson a list of the differences between what is allowed in the general Commercial Zoning District and Commercial Residential Zoning District. Director Von Bargaen said the Commercial Residential District is designed to be less intrusive than the General Commercial Zoning District. It is designed to be adjacent to residential neighborhoods. Ms. Von Bargaen said she can't imagine that it would have any impact on Ms. Johnson's property or business whatsoever.

Ms. Johnson said she had copies of the codes, but wanted more clarification on the main differences in the zoning types. Ms. Von Bargaen said she has time next week to meet with Ms. Johnson to go over said differences. Chairman Haase asked for clarification on the summary statement regarding which lot is defined specifically as Commercial Residential, and whether or not it adjoins Ms. Johnson's property currently, in order to give Ms. Johnson an idea of what people in her neighborhood have done already with that type of property. Planning Technician, Keri Talbott, provided a map and pointed out the surrounding properties and identified them.

Chairman Haase closed the Public Hearing.

VII. REPORTS

1. *Zoning & Subdivision Activity Report - September 2016*

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

VIII. COMMISSION BUSINESS FROM THE FLOOR**Note**

Commissioner Fagerburg asked Community and Economic Development Director, Lisa Von Bargaen, for an update for Aleutian Village Trailer Park. Director Von Bargaen explained that the State found a mechanism to sell the property directly to the City of Valdez. They are going to convey the property to DOT so DOT can sell it to the City of Valdez. Director Von Bargaen said an appraisal has been scheduled by the State of Alaska. She said she met with the Aleut Corporation three weeks ago to try to arrange for a way the City could get on the Aleutian Village property to do environmental testing. "So far they have been unwilling to let us do Phase I environmental testing," Director Von Bargaen said, "so we went to the State." Director Von Bargaen said the State of Alaska has a clause in their lease that allows them to access the Aleutian Village property to do environmental testing.

The City of Valdez asked if they could do the testing themselves under that clause, but the Attorney General replied that that was not possible. Director Von Bargaen said the City of Valdez then asked the State if the State would do the environmental testing, if the City paid for it. Again

their request was denied by the Attorney General. The City then went back and approached the Aleut Corporation to ask them to allow the City to access their property for testing, and they said no, Director Von Barga said. However, they did agree to allow the City to do an As-Built survey of what is currently on the land.

Director Von Barga said one of the biggest issues the City has with Aleutian Trailer Park is that they don't want to continue the current violations taking place on the land now, if the City gets ownership of it. She said it is important to locate each mobile home, positioning of fuel tanks, etc., so decisions can be made regarding the property. Director Von Barga said she is currently working on scheduling a meeting with the sub-committee of the City Council to discuss moving forward with the As-Built survey, as that project needs to be completed this fall season.

Director Von Barga added that the Aleut Corporation will be sending out another letter to residents of Aleutian Trailer Park, likely in the near future, to reserve their rights to close the park within 270 days. Commissioner Fagerburg asked Director Von Barga if it is the intention of the City to purchase the Aleutian Trailer Park property. Director Von Barga replied, "That is the intention to purchase the property, but there is a lot that has to happen before that."

Commissioner Fagerburg asked Director Von Barga if the City would continue to use the land as a trailer park. Director Von Barga said there is no finalized plan yet, partly because the City doesn't know what all of the issues are environmentally and otherwise. She said DOT told the City that the land lease will be transferred to the City of Valdez, once the City purchases the property. At that time, the City of Valdez will become the Lessor with the Aleut Corporation, instead of the State of Alaska being the Lessor. Then the City will have the ability to enforce specific clauses within the lease. Director Von Barga said she has advised the Aleut Corporation of this as well.

Commissioner Kipar asked Ms. Von Barga what the time frame of the sale is. "I don't have any idea," Director Von Barga said. "The City is planning on purchasing the property, but if the State comes back and says they want 10 million dollars for the property, I'm sure the City Council is going to give pause." Director Von Barga said she doesn't expect the State will say that, but there are several factors that the sale would depend on, such as environmental, etc. "The City of Valdez will mandate that the State of Alaska provide us with the environmental information prior to us purchasing the land." Director Von Barga said. "My assumption is that once a purchase agreement goes into effect, or is negotiated, that part of that will be either the State goes in and does the environmental, or the State forces that issue within the lease to the Aleut Corporation, so that we have that information ahead of time."

Commissioner Brandon Reece asked Director Von Barga for clarification on purchases and leases of the Aleutian Trailer Park. "Currently the Aleut Company leases the land from the State," Commissioner Reece asked. Director Von Barga replied, "That is correct." She went on to say that the State owns the land and leases to the Aleut Corporation. More specifically, the land is owned by DNR, but DOT has an operating agreement to manage the land. "DNR only has a handful of ways they

can divest themselves of property," Director Von Barga said. "So what they are having to do, in order to not have to use those statutory required channels, is actually deed the land from DNR to DOT, so DOT has the ability to sell it under their regulatory authority."

Commissioner Reece asked if the goal of the city is not to have to lease the land at all, if they purchase it? Director Von Barga replied that the City will not be leasing the land at all. "What will happen is, the lease on the property with the Aleut Corporation, would transfer with the sale," Director Von Barga said. "We would become the Lessor and landlord to the Aleut Corporation, rather than the State holding that roll right now."

Commissioner Reece asked if the Aleut Corporation wants out completely. Director Von Barga said yes. Commissioner Reece asked are what the specific reasons the Aleut Corporation wants out. Director Von Barga replied that Aleut Corporation has plainly stated that it doesn't fit within their business model anymore. Commissioner Reece asked if they want out because of environmental issues. Director Von Barga said that the Aleut Corporation doesn't believe that there are any major environmental issues.

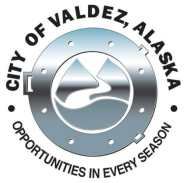
Commissioner Kipar asked if there was ever a gas station or other such auto shops or anything else on the property. Director Von Barga said it was previously a gravel lot from which material was taken for fill for the new town (new Valdez).

Chair Haas asked if there was anything else any of the Commissioners wanted to add. Commissioner Kipar said he has gotten a lot of positive feedback about the new Community Garden. He said they look beautiful, and he suggested that the long-term care patients at the hospital could be able to walk around and enjoy the garden, as they are located close to the hospital.

Director Von Barga thanked the Commissioners for taking time out of their week to meet with the consultants, Kimley-Horn, and participating in the branding/redevelopment process.

IX. ADJOURNMENT

There being no further business, Chair Haase adjourned the meeting at 7:25pm.



Agenda Statement

File #: 16-0108 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 9/8/2016 **In control:** Planning and Zoning Commission

On agenda: 9/28/2016 **Final action:**

Title: (Rezone #16-07) Approval of Recommendation to City Council to Rezone Lot 2, ASLS 78-139 from General Commercial (G) to Commercial Residential (CR).

Sponsors:

Indexes:

Code sections:

Attachments: [Rezone application.pdf](#)
[ValdezMap1.pdf](#)
[Minish REZONE FC 09 20 16 .pdf](#)
[Minish current zoning colored map.pdf](#)

Date	Ver.	Action By	Action	Result
9/14/2016	1	Planning and Zoning Commission		

ITEM TITLE:

(Rezone #16-07) Approval of Recommendation to City Council to Rezone Lot 2, ASLS 78-139 from General Commercial (G) to Commercial Residential (CR). Applicant: Allen Minish

ED BY: Keri Talbott, Planning Technician

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Recommendation to City Council to Rezone Lot 2, ASLS 78-139 from General Commercial (G) to Commercial Residential (CR).

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

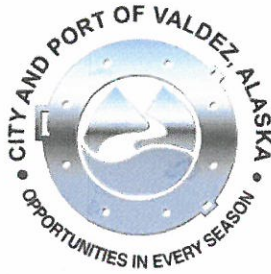
Section 17.06.060(B1) Notification Requirements states: "A notice shall be posted and published. The notice shall be published at least once a week for the two consecutive weeks prior to the date of the public hearing in a newspaper of general circulation. The last date of publication shall not be less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

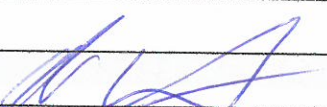
Notice was sent to all property owners within 300 feet of Lot 2, ASLS 78-139 on September 6, 2016. As of September 9, 2016 Staff had not received any comments from neighbors, utilities, or other notified agencies on the rezone. At the Public Hearing on September 14th, Ms. Phyllis Johnson questioned if this rezone would affect her property and voiced her concern that it might. Staff addressed the issue with her and has had no additional feedback from her since the meeting.

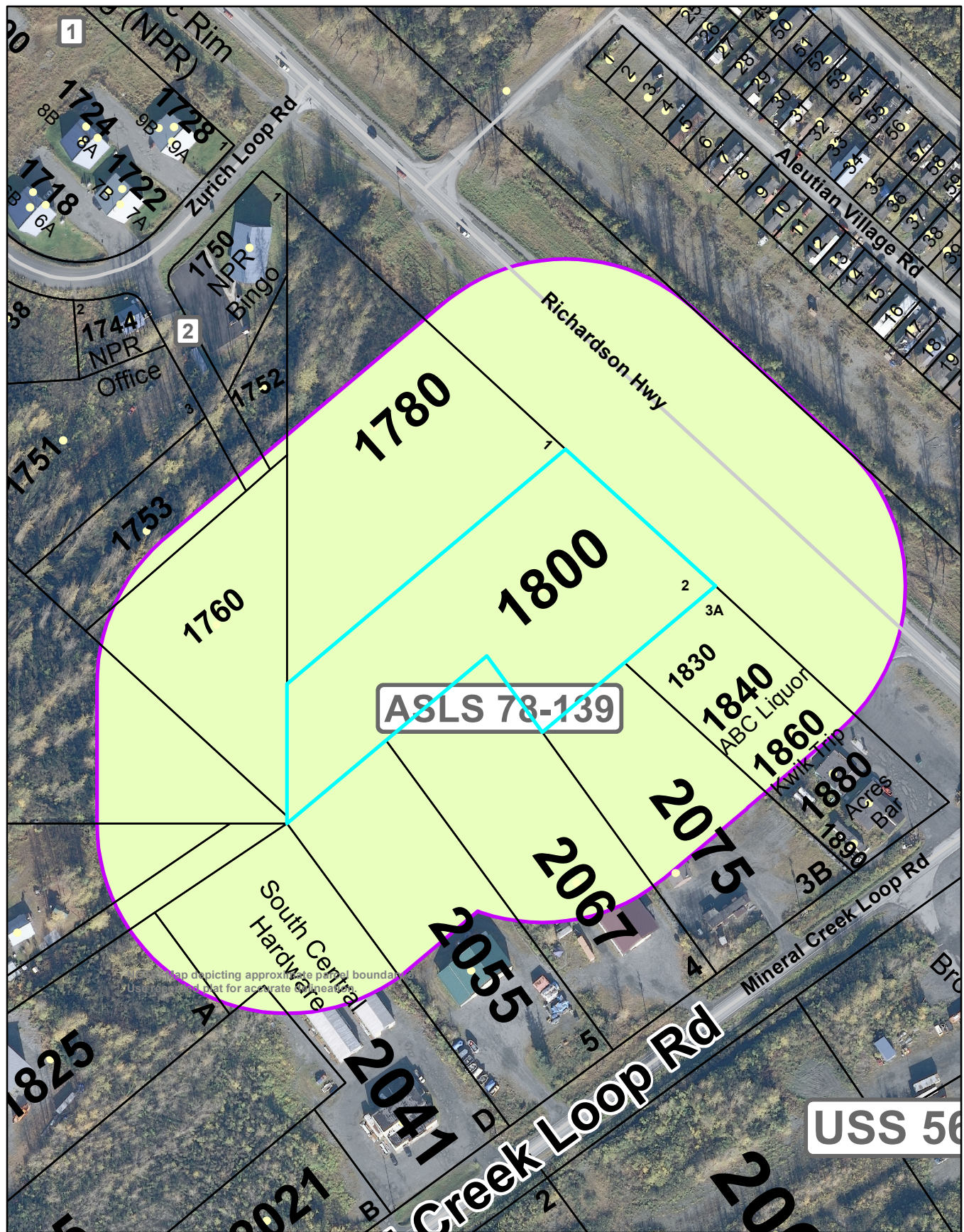
The Finding & Conclusions of this rezone are attached for the Commission's review. Staff is not recommending any special conditions associated with this rezone.

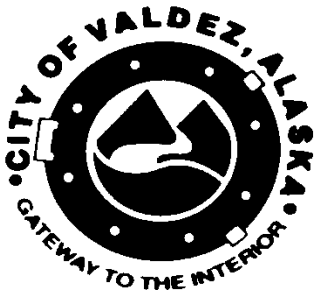


FEE: \$50.00
SITE PLAN
WAIVED 2013 PER
RESOLUTION #12-72

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





City of Valdez, Alaska
Planning & Zoning Commission
Rezone
Proposed Findings & Conclusions

Chapter 17.54 of the Valdez Municipal Code governs the amendments to the zoning districts. **Section 17.54.020(C) 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.” Lot 2, ASLS 78-139 is over 2 acres; therefore, this rezone request meets the Minimum Area code requirement. One parcel adjacent to Lot 2 is also zoned Commercial Residential. Therefore, this rezone can also be considered the extension of existing district boundaries.

Date: September 20, 2016
File No.: REZONE #16-07
To: Planning & Zoning Commission
From: Keri Talbott, Planning Technician
REZONE: From G (General Commercial) to C-R (Commercial Residential)

General Information

Applicant: Allen Minish
Property Owner: Allen Minish
Property Address: 1800 Richardson Highway
Legal Description: Lt 2, ASLS 78-139
PIDN: 0078-139-002-0
Parcel Size: 3.705 acres
Zoning: From General Commercial (G) to Commercial Residential (CR)
Utility Service: CVEA Electric, CVTC or GCI Telephone, CGI Cable
Existing Land Use: General Commercial
Access: Richardson Highway
Surrounding Land Use: North: Light Industrial
South: Light Industrial
East: General Commercial
West: General Commercial & Commercial Residential

Project Description and Background Summary

The request for this zoning amendment was submitted because the current zoning does not provide for the opportunity to build an accessory building above 16 feet on his property and a

residential unit. The existing zoning does not provide for the applicant's desire to develop mixed use, residential and commercial improvements. This can only be allowed if the zoning change is approved from General Commercial to Commercial Residential and a Conditional Use Permit is approved. The proposed amendment has no impact on the goals or objectives of the Comprehensive Plan. The zoning in the area is a mix from Light Industrial to Multi-Family Residential. Changing this zoning has little, if any impact.

Findings

The Planning and Zoning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error. The director's findings are:

1. Is the requested permit proper according to the Rezone Uses for the zoning district?

Yes. In the Commercial Residential zone, a residential unit and an accessory building above 16 feet would be allowed with a Conditional Use Permit.

2. Is the application complete?

Yes. The application was complete prior to the public hearing. Mr. Minish had provided all required documentation associated with the rezone and out-lined his plan for a residential unit and accessory structures.

3. Does the proposed development follow the other requirements of the City of Valdez land use code?

The land use code for the City of Valdez is Title 17 Zoning of the Valdez Municipal Code. Yes, the proposed development is in conformance with Title 17 if a Conditional Use Permit is approved.

4. Will the proposed development materially endanger the public health or safety?

No aspect of this project appears to materially endanger public health or safety.

5. Will the proposed project substantially decrease the value of or be out of harmony with property in the neighboring area?

The current neighboring area is General Commercial, Multi-Family-Residential, Light Industrial and Commercial Residential. This rezone is in harmony with the zoning mix currently in place.

6. Will the proposed project be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Staff finds this application to be in conformance with the Comprehensive Plan as reviewed below:

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 - 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.

The immediate surrounding land to the North and South is Light Industrial with residential units.

This rezone actually down-zones the property to Commercial Residential making it more compatible with the Multi-Family zoned area and Light-Industrial zoned area being used for a mobile home park.

7. Are any of the following criteria such to materially endanger the public health or safety: topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality?

No.

8. Will the proposed project require the enlargement, upgrading or extending of public utilities or service systems?

No.

Decision of the Council

The Council may, regardless of the above findings conditionally approve or deny the permit. The Council's own independent review of information submitted at the public hearing provides the basis for the decision. The decision needs supportive findings based on factors associated with the same questions answered in the Director's Findings.

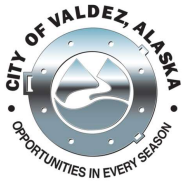
Planning and Zoning Recommendation

The Planning and Zoning Commission recommends that the Council authorize the rezone of Lot 2, ASLS 78-139, from G (General Commercial) to C-R (Commercial Residential).



GC 
LI 
CR 
RC 

Current Zoning



Agenda Statement

File #: 16-0124 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 9/27/2016 **In control:** Planning and Zoning Commission

On agenda: 9/28/2016 **Final action:**

Title: (TLUP #16-03) Approval of Temporary Land Use Permit with Western Marine for a Two-Acre Portion of Tracts V & W, South Harbor 2015 Subdivision.

Sponsors:

Indexes:

Code sections:

Attachments: [Western Marine New Harbor Upland 2016.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

(TLUP #16-03) Approval of Temporary Land Use Permit with Western Marine for a Two-Acre Portion of Tracts V & W, South Harbor 2015 Subdivision.

SUBMITTED BY:

Keri Talbott, Planning Technician

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Temporary Land Use Permit with Western Marine for a Two-Acre Portion of Tracts V & W, South Harbor 2015 Subdivision.

SUMMARY STATEMENT:

Western Marine is the company that has the contract with the Corps of Engineers to construct the basin of the new boat harbor. Their access to all aspects of the job site was via water. However, it is far easier for Western Marine, and much less invasive for the South Harbor area for Western Marine to stockpile material and access their job site, especially the new harbor breakwaters being constructed, through a portion of the new harbor uplands. Harris Sand & Gravel is the City's contractor constructing the new uplands. Harris has released a two-acre portion of the upland job site back to City control for this purpose. In early August City harbor project managers met with Community Development staff about securing this area for use by Western Marine. At the time the anticipated property use was anticipated to be approximately three weeks. As such Community

Development issued a TLUP under the code provided authority for a month beginning on August 2, 2016. When use of the property by Western Marine needed to continue, there was a communication breakdown. Western Marine has continued to use the property since early August, and will need to use the property through mid November possibly, when the job site is shut down for the winter. Staff is requesting the Commission approve a TLUP retroactively beginning September 1-November 15, 2016. The same terms and conditions in the original TLUP will apply.

Conditions are listed as following:

- 1) The permit is valid retroactively from September 1-November 15, 2016.
- 2) The permittee shall (in advance) pay a flat monthly fee; except that a pro-rated daily fee may be paid for permits lasting less than one month. Fees will be determined by council resolution. Resolution 05-11 establishes the per acre value of Light Industrial zoned land at \$15,000 per acre. Annual rental fees are based on 10% of the established value. A monthly fee is 1/12 of that. The fee calculation is $\$15,000 \times 2 = \$30,000 \times 10\% = \$3,000 / 12 = \250 monthly. The monthly fee shall be \$250 each month for September and October, and \$125 for November.
- 3) The permittee shall have liability insurance valuing not less than one million dollars and shall name the city as an additional party.
- 4) The use is in conformance with the existing zoning and/or the Comprehensive Plan.
- 5) No permanent structures shall be erected on the property.
- 6) No permanent alteration of land shall occur.
- 7) The area of use does not exceed two acres.
- 8) Use under the permit shall not adversely impact public access or city operations.
- 9) The permittee shall vacate the property within three days of receiving notification from the city.
- 10) The permit shall be effective immediately upon receipt of required items and issuance by the community and economic development department.
- 11) Issuance of the permit shall be reported to the City Council at the next regularly scheduled meeting.

Terms are listed:

- 1) Delineate limits of proposed rock storage and handling area;
 - a. Sketch with GPS survey coordinates
 - b. Permit provides access to west breakwater ramp
 - c. Permit does not include access across the west end of the Uplands site;
- 2) Document existing site conditions and grades (video/survey);
- 3) Mark/project existing Phase I improvements with states, flagging, cones, barricades as needed;
- 4) Restore site to existing conditions after completion of use
 - a. Remove unsuitable materials imported with rock materials
 - b. Remove subgrade material as needed for material to meet Phase I specifications;
- 5) Maintain the access routes to the storage and handling area;
- 6) Conduct hauling and material handling operations as needed to maintain the current SWPPP;

- 7) Compensate Harris S&G for extra costs to maintain SWPPP due to TLUP activities;
- 8) Coordinate the WMC's operations with other Uplands utility and work phases;
- 9) Observe site work hours from 7 am to 10pm unless otherwise approved by the City;
- 10) Provide a bond in the amount of \$10,000 to the City of Valdez.

This PERMIT is effective upon the City of Valdez receipt of this fully executed document containing original signatures by both parties, and receipt of the bond, requisite certificate of insurance, photographs, surveys and fees, if any cited above.

Temporary Land Use Permit

The City of Valdez, a Municipality under the Constitution and laws of the State of Alaska, whose address is 212 Chenega Ave, Valdez, Alaska 99686, hereby permits Western Marine, ("Permittee"), the right to enter into the following described real property located in the Valdez Recording District, Third Judicial District, State of Alaska and more particularly described as follows:

Whereas; TRACTS V & W, SOUTH HARBOR 2015 SUBDIVISION also known as the "Uplands or New Valdez Harbor Development Phase I," is issued a Temporary Land Use Permit with specific terms and conditions.

Whereas; Conditions are listed:

- 1) The permit shall not exceed one month (thirty-one days) in duration beginning August 2, 2016.
- 2) The permittee shall (in advance) pay a flat monthly fee; except that a pro-rated daily fee may be paid for permits lasting less than one month. Fees will be determined by council resolution. Resolution 05-11 establishes the per acre value of Light Industrial zoned land at \$15,000 per acre. Annual rental fees are based on 10% of the established value. A monthly fee is 1/12 of that. The fee calculation is $\$15,000 \times 2 = \$30,000 \times 10\% = \$3,000 / 12 = \250 .
- 3) The permittee shall have liability insurance valuing not less than one million dollars and shall name the city as an additional party.
- 4) The use is in conformance with the existing zoning and/or the Comprehensive Plan.
- 5) No permanent structures shall be erected on the property.
- 6) No permanent alteration of land shall occur.
- 7) The area of use does not exceed two acres.
- 8) Use under the permit shall not adversely impact public access or city operations.
- 9) The permittee shall vacate the property within three days of receiving notification from the city.
- 10) The permit shall be effective immediately upon receipt of required items and issuance by the community and economic development department.
- 11) Issuance of the permit shall be reported to the planning and zoning commission and City Council at the next regularly scheduled meetings.

Whereas; Terms are listed:

- 1) Delineate limits of proposed rock storage and handling area;

- a. Sketch with GPS survey coordinates
 - b. Permit provides access to west breakwater ramp
 - c. Permit does not include access across the west end of the Uplands site;
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- 4) Restore site to existing conditions after completion of use
 - a. Remove unsuitable materials imported with rock materials
 - b. Remove subgrade material as needed for material to meet Phase I specifications;
- 5) Maintain the access routes to the storage and handling area;
- 6) Conduct hauling and material handling operations as needed to maintain the current SWPPP;
- 7) Compensate Harris S&G for extra costs to maintain SWPPP due to TLUP activities;
- 8) Coordinate the WMC's operations with other Uplands utility and work phases;
- 9) Observe site work hours from 7 am to 10pm unless otherwise approved by the city;
- 10) Provide a bond in the amount of \$10,000 to the City of Valdez.

This PERMIT is effective upon the City of Valdez receipt of this fully executed document containing original signatures by both parties, and receipt of the bond, requisite certificate of insurance, photographs, survey's and fees, if any cited above.

Permittee:

Western Marine

Date

City of Valdez

Lisa Von Barga

Date

Director of Economic Development Department