



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, Blueberry Acres is over 2 acres for a total of 5.47 acres. This rezone request meets the Minimum Area code requirement.

Date: July 5<sup>th</sup>, 2016  
File No.: REZONE #16-02  
To: Planning & Zoning Commission  
From: AnnMarie Lain, Planning Technician  
REZONE: From (P) Public to (R-C) Multiple-Family Residential

**General Information**

Applicant: James M. Williams  
Property Owner: James M. Williams  
Property Address: 445 Blueberry Hill Road  
Legal Description: Lot 2, Blueberry Acres ASLS 79-117  
PIDN: 0079-000-002-0  
Parcel Size: 5.47 Acres  
Zoning: From (P) Public to (R-C) Multiple-Family Residential  
Utility Service: City Water, City Sewer, CVEA Electric, CVTC or GCI Telephone, CGI Cable  
Existing Land Use: Horse Stable  
Access: Blueberry Hill Road  
Surrounding Land Use: North: Public Lands  
South: Unclassified  
East: Public Lands  
West: Public Lands

**Project Description and Background Summary**

The City of Valdez received a 2<sup>nd</sup> request from James M. Williams on April 18<sup>th</sup>, 2016 for a Rezone of Lot 2, Blueberry Acres ASLS 79-117 (445 Blueberry Hill Road). The land is currently zoned Public and Mr. Williams would like to rezone it to Multiple-Family Residential to allow for the construction of multiple-family dwellings. Chapter 17.54 of the Valdez Municipal Code governs the amendments to the zoning districts.

**Section 17.54.020(D) Resubmissions** states: “The planning and zoning commission and the city council shall not consider any proposed amendment to the zoning map which is substantially the same as any other proposed amendment submitted within the previous twelve months which has been rejected.

The same rezone application for Lot 2 was submitted to City Council for amendment on March 3<sup>rd</sup>, 2015; therefore, this rezone request meets the Resubmission code requirement.

### **Findings**

The Director of Community Development shall make findings on an application for a re-zone. 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 rezone proper according to the Rezone Uses for the zoning district?***

Yes. The land is currently zoned Public and Mr. Williams would like to rezone it to Multiple-Family Residential to allow for the construction of multiple-family dwellings.

***2. Is the application complete?***

Yes. The application was complete prior to the public hearing. Mr. Williams has provided all required documentation associated with the rezone.

***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. This application is in conformance with Title 17.

***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 area is quite rural and undeveloped currently. The addition of multi-family housing will substantially change the character of the area in terms of housing density, traffic and use. However, these changes are in conformance with the Comprehensive Plan.

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

The rezone application is in conformance with the Comprehensive Plan. Only the goals and objectives 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 provision and requirements of the Valdez Coastal Management Program. The Coastal Management Program no longer exists.

**Objective** – Provide for the adequate separation of incompatible land uses.

The immediate surrounding land to the east is vacant and owned by the University of Alaska; to the north is Public and privately owned currently being used for storage; to the south is Public, vacant and currently owned by the City; and to the west is Blueberry Hill Road and Mineral Creek Lands. Within the vicinity include single-family residential on Blueberry Hill; single-family residential in Cottonwood Subdivision; and a mix of multi-family, single-family and small commercial along Homestead Road. The Mineral Creek and Homestead area is also widely used recreationally in both summer and winter for trail access.

**Objective** - Prohibition of the location/construction of structures in hazardous or environmentally sensitive areas.

This rezone application was first proposed prior to the release of the new preliminary FEMA flood maps and had previously been identified as being in a flood zone. Whereas FEMA regulations allow floodplain managers to make decisions base on best available data, **development on this parcel will not require a floodplain development permit from the City of Valdez. The new preliminary FEMA flood maps remove this parcel from a flood zone.**

**Objective** - Provide development standards for lands that require special physical or environmental attention before they can be safely used or developed.

**Flood development standards will not apply to the development of this land, as described above.**

**Objective** - Encourage the development of lands within the city through regulation and through the disposal of city lands.

In 2004, City Council passed and approved Resolution # 04-15 authorizing the negotiated land sale of Lot 2, Blueberry Acres to James M. Williams.

**Goal/Residential Land Use** - Provide safe, convenient, and attractive residential areas that protect and enhance property values while encouraging economies in necessary community expenditures for required community infrastructure and utilities.

**Objective** - Encourage the location of residences in areas that will not be burdened with unnecessary traffic, noise, or environmental problems that might be associated with commercial or industrial land uses.

The location of this development would put the multi-family development in a quiet area not burdened by commercial or industrial land uses. This development will add traffic to the existing area.

**Objective** - Encourage residential construction and expansion in those areas of the community where necessary community facilities and utilities are already in place and/or can easily be extended.

Both City water and sewer are available at the corner of West Egan and Blueberry Hill Road, this property is in close proximity to public utilities.

**Goal - Housing:** Provide lands for adequate and available housing for all residents of Valdez. This zoning change would allow for the development of multi-family housing, diversifying the housing stock available in the area.

**Objective** - Increase the availability of land for residential development in Valdez through the use and disposal of city lands.

The City approved the sale of this land in 2004, albeit for the purpose of development in conformance with Public Zoning. The Comprehensive Plan speaks to the desire to develop lands for residential purposes.

**Section 2.5.1** (Land Use Policies) of the Comprehensive Plan identifies different land use designations. Public is not listed, the two designations that speak to this rezone are Community Open Space/Green Belts and Multi-Family Residential Areas.

**Community Open Space/Green Belts** - These areas are set aside to provide for public use activities such as hiking, cross country skiing, watershed protection, etc. Many of these designations contain less desirable developable lands (e.g., floodplains, liquefaction areas, etc.). They are also to serve as "holding areas" for alternative future land use designations as growth and demand might necessitate."

Staff recommends that there should be a separation buffer between multi-family and single-family zoning districts. To that end, staff recommends the Commission to ask the Council to retain Lot 3, Blueberry Acres in perpetuity as City-owned, Public zoned land.

**Multi-Family Residential Areas-** These areas are meant to accommodate the higher density tri-plex, four-plex, and apartment complexes in Valdez. And, while it may be possible to design on-site water and/or sewer systems to serve tri-plex and four-plex land uses, most of these areas will require public water and sewer to accommodate the higher residential densities."

Although Lot 2 is well suited to small scale multi-family development, it is not an ideal location for large-scale multi-family development. Mr. Williams has indicated a strong interest in developing condominiums which requires approval of a conditional use permit to ensure appropriateness of development. However, the Multi-Family zoning district allows for the development of apartment complexes of any size, without any additional permitting, except those for Building. It is important to remember, when considering a zoning change, the use of that property in perpetuity needs to be considered. It is possible Mr. Williams may choose to sell the property to someone who desires a higher population density development.

In 2015 when this zoning change came before the Council for action, the Council shared the same concerns. At the time, staff said they would be bringing an ordinance change to Council to amend the zoning code requiring a conditional use permit for multi-family units over a certain size. Given all the transition that occurred last year staff was unable to accomplish that task. Staff will be moving forward with development of that ordinance at this time. However, it may not be in place prior to development on this property should Mr. Williams, or another potential owner decide to begin building multi-family housing apartments in the next few weeks, unlikely as it may be.

**Section 2.62** of the Comp Plan defines Collector/Business Streets. Blueberry Hill Road is listed as such.

**Blueberry Hill Road** - This street is proposed to provide access to and through the Blueberry Hill area as these properties are subdivided and developed." Blueberry Hill Road is defined in the Comp Plan as a Collector Street which means it is sufficiently sized to handle traffic from increased density.

The adjacent land to the east of Lot 2 is owned by the University of Alaska. Previously there was concern about the floating easement retained by the University of Alaska thru Lot 2 as the location of the easement has yet to be determined. However, staff has been in contact with University land managers who have agreed to meet with the City and Mr. Williams to determine the easement location prior to development.

Staff finds the rezone request is in conformance with zoning change requirements and the Comprehensive Plan.

**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?**

Yes. In order to develop multi-family housing in this area it will be necessary to expand both the water and sewer system down Blueberry Hill Road to this property.

### **Decision of the Commission**

The Planning and Zoning Commission may, regardless of the above findings, conditionally approve or deny the rezone. The Commissioners' 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.

### **Staff Recommendation**

Staff and the Commission recommend the City Council authorize the rezone of Lot 2, Blueberry Acres from Public (P) to Multiple-Family Residential (R-C).

Four conditions (as follows) were considered by the Commission and ultimately failed to be added as conditions associated with the rezone.

Condition 1: Lot 3, Blueberry Acres be held in perpetuity as City-owned, Public zoned land.

Condition 2: The floating easement held by the University be turned into a fixed easement at a location mutually agreed upon by the University, Mr. Williams and the City of Valdez.

Condition 3: Prior to development of multi-family housing on this property a development plan must be submitted to, and approved by, both the Planning & Zoning Commission and the Valdez City Council.

Condition 4: Street signs shall be installed by the City on Blueberry Hill Road providing adequate notice the street is a dead end and there is no turn-around.

Although staff acknowledges it is likely not the best vehicle to address some of these items as conditions of the rezone, it is important they be addressed as separate matters and staff would like to have Council input regarding Conditions 1, 2 and 4. Staff does not recommend continuing with Condition 3.

The residents of the Blueberry Hill area have expressed two major concerns (of several). The first is a buffer zone between multi-family and single family zoning. In response to that staff is recommending Lot 3, Blueberry Acres (which is located between Mr. William's parcel and Blueberry Hill) be held in City ownership in perpetuity and maintained under the Public Zoning. The parcel can be deed restricted to reflect these requirements.

Second, is the increase in traffic multi-family development will have in the area. Many people already drive up to the end of Blueberry Hill Road just to see what can be seen. More traffic in the area may result in additional traffic up to the end of the road. To help discourage this traffic staff is recommending the City install signage indicating Blueberry Hill Road is a dead-end and there is no turn-around at the end of the street.

Finally, the City, Mr. Williams, the other owner of private property adjacent to Mr. Williams, and the University need to meet to determine a fixed location for the currently floating easement.