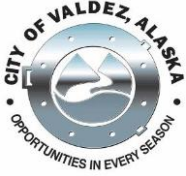


# Regular Meeting - Moved from 8/24 Due to Scheduling Conflicts



## City of Valdez

212 Chenega Ave.

Valdez, AK 99686

## Meeting Minutes

## Planning and Zoning Commission

Wednesday, August 31, 2016

7:00 PM

Council Chambers

### 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

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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.

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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

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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.