



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).