



City of Valdez

ALASKA

Community Development Department

Findings and Conclusions – Rezone #18-01

Date: October 10, 2018

File: Rezone #18-01

Property Owner: Richard and Latosha Frye

Property Address: 1780 Richardson Highway

Legal Description: Lot 1, ASLS 78-139

Parcel Size: 3.91 acres

Zoning Request: From general commercial (G) to commercial residential (CR)

Existing Land Use: Undeveloped parcel

Access: Richardson Highway

Surrounding Land Use: Commercial residential (CR), light industrial (LI) and multi-family residential (RC)

Summary: The request for this zoning amendment was submitted because the applicant would like to use the property for residential purposes, while maintaining the option for a commercial use in the future. The existing zoning district does not allow for residential uses. See the intent of the existing and proposed zoning districts below.

VMC 17.54.020 C states that “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.

If rezoned to commercial residential, Lot 1, ASLS 78-139 will be an extension of an already existing zoning district. In 2016, the neighboring parcel to the South (Lot 2, ASLS 78-139) was rezoned as commercial residential. Lot 1 is 3.91 acres in area and could be considered for a zoning change, regardless of the extension of the already existing district.

Existing Zoning District – General Commercial (G)

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.

Proposed Zoning District – Commercial Residential (CR)

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.

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.

1. Is the requested permit proper given the allowable uses in the proposed new zoning district?

The applicants have not yet submitted a building permit application for the property but plan to apply for a building permit for a single-family dwelling, if the rezone is approved. A single-family dwelling is an allowable use under the commercial residential zoning district.

VMC 17.26.020 O. Permitted principal uses and structures - Single-family homes

2. Is the application complete?

Yes. The submitted application was complete. Staff met with Richard Frye after receipt of the application and confirmed details regarding the planned development(s) for the property.

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

The applicants have agreed to follow the appropriate land use code for the development and will be required to submit building permit applications for any future project at the site. Those applications will be subject to a zoning plan review to determine compliance with the City of Valdez land use code. The applicants have demonstrated familiarity with the requirements of the commercial residential zoning district.

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

The change to a residential district (with limited allowable commercial uses) will not materially endanger the public health or safety.

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

The current zoning of the neighboring areas includes multi-family residential, commercial residential and light industrial districts. This rezone is in harmony with the zoning mix currently in place and simply extends an already existing district. This parcel is bordered by multi-family housing units on one side. The parcel across the Richardson Highway is zoned light industrial and is currently used for residential purposes, as the site of the Aleutian Village mobile home park.

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:

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 parcels immediately to the North are used for residential purposes. The parcels immediately to the South are zoned commercial residential and are bordered by general commercial parcels. Please see the attached zoning map for more detail.

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 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*

By changing the zoning district for Lot 1, ASLS 78-139 from general commercial (G) to commercial residential (CR) the City would be encouraging residential construction in an area where residential housing already exists. At the time of this report, we do not have a confirmation that the owner will be able to hook up to city utilities. The neighboring multi-family residential development is on city sewer and water. Staff will work to get more information regarding this question before the public hearing.

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?

At this time we do not have the set plans for the proposed residential development. Staff will work to get more information regarding public utilities before the Planning & Zoning commission considers this rezone.