



Agenda Statement

File #: 16-0029 **Version:** 1

Type: New Business **Status:** Passed

File created: 7/5/2016 **In control:** Planning and Zoning Commission

On agenda: 7/27/2016 **Final action:** 7/27/2016

Title: (Rezone #16-04) Approve Recommendation to City Council to authorize the rezone of Lots 1, 2 & 3, Tract D, Port Valdez Subdivision, from R-A (Single-Family Residential) to C-R (Commercial Residential) with a condition.
Applicant: Todd Wegner

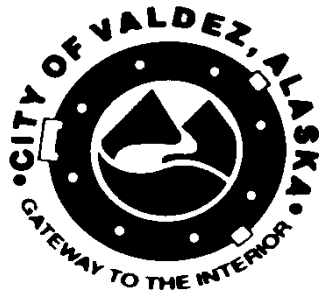
Sponsors:

Indexes:

Code sections:

Attachments: 1. ZONING_MAPS_EDITED.pdf, 2. Rezone App 16-04_Wegner.pdf, 3. ORD 06 07.pdf, 4. Wegner REZONE_FC_07_13_16 PZ 2.pdf

Date	Ver.	Action By	Action	Result
7/27/2016	1	Planning and Zoning Commission	approved with conditions	Pass
7/27/2016	1	Planning and Zoning Commission	amended	Pass



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." Lots 1, 2, & 3, Tract D, are over 2 acres; therefore, this rezone request meets the Minimum Area code requirement.

Date: June 22nd, 2016

File No.: REZONE #16-04

To: Planning & Zoning Commission

From: Keri Talbott, Administrative Assistant

REZONE: From R-A (Single-Family Residential) to C-R (Commercial Residential)

General Information

Applicant: Todd Wegner
Property Owner: Todd Wegner
Property Address: 100, 90, & 80 Meals Hill Rd
Legal Description: Lots 1, 2, & 3, Tract D, Port Valdez
PIDNS: 7120-004-001-0, 7120-004-002-0, 7120-004-003-0
Parcel Size: 1.39 acres. 1.24 acres, 2.38 acres,
Zoning: From Single Family Residential (RA) to Commercial Residential (CR)
Utility Service: CVEA Electric, CVTC or GCI Telephone, CGI Cable
Existing Land Use: Single-Family Residential
Access: S Hazelet Ave
Surrounding Land Use: North: Single Family Residential
South: Multi Family Residential/General Commercial
East: Single Family Residential
West: Single Family Residential

Project Description and Background Summary

The need for this zoning amendment has been established because the current zoning does not provide for the conversion of storage cabins on his property into rental cabins. The existing zoning does not provide for overnight cabin accommodations in single-family residential areas. This can only be allowed if the zoning change is approved from single-family residential to commercial residential and a Conditional Use permit. The proposed amendment has no impact on the goals or objectives of the Comprehensive Plan

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, rental cabins would be allowed with a conditional use permit.

2. Is the application complete?

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

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.

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. The slope of the access road easement was approved via the platting process in 1997.

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 vacant land zoned single-family residential to the West and North and to the South is mostly Multi-family Residential and General Commercial. To that end staff is recommending all future use changes require the owner/applicant to go through the conditional use permit process, to include permitted uses.

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.

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 Commission

The Commission may, regardless of the above findings conditionally approve or deny the re-zone. The Commission'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 Lots 1, 2, & 3, Tract D, Port Valdez, from R-A (Single-Family Residential) to C-R (Commercial Residential).

Staff recommends: Condition 1: Any future change in the use to the property will require the

property owner/applicant to go through the conditional use permit process to include permitted uses. A document requiring this will be recorded to the property. Condition 2: The applicant is required to post notice in the cabins advising guests it may not be possible for emergency response vehicles to access the property under certain conditions. Proof of this posting shall be submitted to the Community Development Department on an annual basis.