



## Legislation Text

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**File #:** ORD 16-0012, **Version:** 1

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### **ITEM TITLE:**

#16-12 Amending the Zoning Map to Effect a Change to Tracts 2 and 3, Alpine Village from Multi-Family Residential to Commercial Residential on Tract 2, Alpine Village and Light Industrial on Tract 3, Alpine Village. Second Reading/Adoption.

**SUBMITTED BY:** Keri Talbott, Planning Technician

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

Approve Ordinance #16-12 amending the Zoning Map to effect a change on Tracts 2 and 3, Alpine Village from Multi-Family Residential to Commercial Residential on Tract 2, Alpine Village and Light Industrial on Tract 3, Alpine Village. Second Reading/Adoption.

### **SUMMARY STATEMENT:**

The City of Valdez received a request from Dwain Dunning on July 18<sup>th</sup>, 2016 for a Rezone of Tracts 2 & 3, Alpine Village, 4671 Richardson Highway. The land is currently zoned Multi-Family Residential and Mr. Dunning would like to rezone Tract 2 to Commercial Residential and Tract 3 to Light Industrial. Mr. Dunning is proposing to put in a primary marijuana cultivation facility on Tract 3. The Light Industrial zoning district is not compatible with the neighboring property currently zoned, and being used for multi-family residential purposes. The purpose of this rezone request is to change the zoning of Tract 2 to be compatible with both Multi-Family and Light Industrial while acting as a buffer between the two.

On August 31<sup>st</sup>, 2016 the Planning and Zoning Commission approved a recommendation to City Council to authorize Mr. Dunning's rezone application. They approved the recommendation to Council to approve the rezone as a separate process from enforcement issues on the property. They will be addressing the issue of nuisance abatement and the abandonment of junk vehicles on this property as part of a work session at the next Planning and Zoning meeting.

In 1988, the owner of Tract 3 applied to rezone the tract from Multi-Family (RC) to Light Industrial (LI). In a letter to the applicant dated July 5, 1988, the Commission denied the rezone request stating that a more appropriate zoning would be Commercial Residential (CR). Multi-Family (RC) district is intended to include lands for urban development that are provided with public utilities or intended to be provided with public facilities in the future. Neither public water nor public sewer has been extended to service this area

Below is a summary of the intent of the different zoning districts contemplated under this proposed

amendment.

**17.18.010 Intent**

The R-C (multiple-family residential) district is intended to include lands for urban development which are provided with a full range of public utilities, including sewers, water, electricity and street drains or are intended to be provided with such facilities in the future. This district is intended primarily for single and multiple residences at moderately high population densities. Structures are required to serve governmental, educational, recreational, religious and limited commercial needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-C district.

The intent of the proposed zoning district as stated in Valdez Municipal Code is outlined below:

**(Tract 2)**

**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.

**(Tract 3)**

**17.36.010 Intent.**

The L-I (Light Industrial) district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the L-I district to serve the uses for which the district is primarily intended.

The Comprehensive Plan offers goals and objectives that provide guidance on general land use, economic development, 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 is vacant land and under management authority by the City of Valdez as Municipal entitlement land. The other lot adjacent to Tract 2 is zoned Multi-Family Residential. By rezoning Tract 2 to Commercial Residential as the Commission suggested in 1988, the applicant is placing a buffer between the Multi-Family residential district and the proposed Light Industrial District.

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

**Goal - Industrial Land Use:** Provide for industrial land uses so that they limit impacts on adjacent land uses and the environment, and yet have safe and convenient access to the major transportation facilities they

require.

**Objective** - Encourage the consolidation of industrial land use activities.

**Objective** - Provide buffers between industrial and other land uses as a means to restrict the hazardous and/or nuisance aspects of industrial uses.

Mr. Dunning is proposing to rezone Lot 2 from Multi-Family Residential to Commercial Residential as a means of having a zoning district in between the existing multi-family housing and Tract 3 which he wants to rezone as Light Industrial for the purpose of developing a commercial marijuana cultivation operation.

**Objective** - Control undesirable air and water emissions of industrial land uses.

### 2.5.1 Land Use Policies.

**Light Industrial Areas** - These areas have been set aside to provide for those less noxious industrial uses that require good access to major transportation facilities or breaks in transportation but do not require a waterfront location.

**Neighborhood Commercial Areas** - These areas are meant to provide convenience goods (e.g., a 7-11 type store) outlets for individual neighborhoods. These areas thus limit lengthy and/or unnecessary trips to the more specialized commercial areas located in the town center for the many items that households need frequently.

**Section 17.54.040 Public Hearing** states: "The planning and zoning commission shall hold at least one public hearing before considering any change or amendment to the provision of this title or the boundaries of the districts."

The Public Hearing was held on August 10th, 2016 meets the Public Hearing code requirement.

**Section 17.06.060(B1) Notification Requirements** states: "A notice shall be posted and published. The notice shall be published at least once a week for the two consecutive weeks prior to the date of the public hearing in a newspaper of general circulation. The last date of publication shall not be less than three days before the date of the public hearing."

Notification was posted on the City Hall bulletin board located at 212 Chenega Avenue on July 29th, 2016. Notification was published in the Valdez Star on August 3rd, and August 10th, 2016.

**Section 17.06.060(B2) Notification Requirements** states: "A notice shall be also be sent by mail at least ten days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action."

Notice was sent to all property owners within 300 feet of Tracts 2 &3, Alpine Village on July 29<sup>th</sup>, 2016. As of August 8<sup>th</sup>, 2016 Staff has received two written comments from residents on the rezone and no comments from utilities or other notified agencies on the rezone. The written comments have been included in the packet for your review.

The letter from Mr. Hickel objects the rezone to light industrial based on the concern of having a cultivation

facility directly adjacent to tenants with children and members of the Coast Guard. To address this concern, Mr. Dunning is proposing to rezone Lot 2 from Multi-Family Residential to Commercial Residential as a means of having a zoning district in between the existing multi-family housing and Tract 3 which he wants to rezone as Light Industrial for the purpose of developing a commercial marijuana cultivation operation. The City has not adopted in special separation requirements beyond State regulations regarding commercial marijuana operations and residential development - other than that commercial marijuana operations are prohibited in residential zoning districts

The letter from Mr. Gifford objects the rezone based on the applicant's violation of the current zoning district and over his concern of contaminants to an anadromous fish stream located on the applicant's property. The City of Valdez will continue to address the enforcement issues on Tract 2 & 3 as a separate process from the rezone. Addressing the issue of nuisance abatement and the abandonment of junk vehicles on both private and public property is a City wide issue that is currently being dealt with on a broader perspective with Community Development, the Police Department, and Public Works.

The Alaska Department of Fish and Game have management authority over anadromous streams. The Division of Habitat has the specific statutory responsibility of protecting freshwater habitat for anadromous fish and providing free passage for all fish in freshwater bodies (AS 16.05.841-871). Any activity or project that is conducted below the ordinary high water mark of an anadromous stream, or has the potential to impede fish passage, requires a Fish Habitat Permit. The Alaska Department of Environment Conservation, Division of Water establishes standards for water cleanliness and regulates discharges to waters. All property owners are responsible for following state regulations.