



Agenda Statement

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File created: 5/7/2021 **In control:** Planning and Zoning Commission
On agenda: 5/12/2021 **Final action:** 5/12/2021
Title: Approval of Temporary Land Use Permit #21-08 for C&E Car Deetz for 134 East Pioneer Drive, Lot 3 Pioneer Commercial Subdivision

Sponsors:

Indexes:

Code sections:

Attachments: 1. TLUP 21-08 C&E Car Deetz Application, 2. TLUP 21-08 C&E Car Deetz Public Works Comment

Date	Ver.	Action By	Action	Result
5/12/2021	1	Planning and Zoning Commission	approved	Pass

ITEM TITLE:

Approval of Temporary Land Use Permit #21-08 for C&E Car Deetz for 134 East Pioneer Drive, Lot 3 Pioneer Commercial Subdivision

SUBMITTED BY: Nicole LeRoy, Planning Technician & Kate Huber, Planning Director

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve temporary land use permit #21-08 from C&E Car Deetz for use of 134 East Pioneer Drive, Lot 3 Pioneer Commercial Subdivision.

SUMMARY STATEMENT:

Planning Department staff received a temporary land use permit application from C&E Car Deetz for use of City property for a car detailing business at 134 E Pioneer Drive, Lot 3 Pioneer Commercial Subdivision. The operation is proposed to take place under a temporary tent and utilize a generator to detail the interiors of vehicles. The applicant has stated no exterior detailing will be done, or wastewater generated by this use (see attached application.)

Per Valdez Municipal Code 17.48.140 B 2e, temporary land use permit requests not to exceed six months in duration may be granted by the Planning and Zoning Commission if the desired use is in conformance with the existing zoning and/or comprehensive plan. The area requested is zoned general commercial which allows for automobile service stations, including non-mechanical car

washing.

Fees for temporary land use permits were established by City Council with Resolution #12-36. The resolution states “for permits not exceeding two acres in size and for a period of six months or less, the fee shall be \$250 per month.”

The applicant has requested a term of six months. However, due to the primary use of the property as a snow lot, the property is only able to be utilized through September 30th. Planning staff consulted with Public Works, as the lot requested is utilized for City snow storage. Public Works Director, Rob Comstock, stated that the lot must be vacated by September 30th, and the operation not interfere with snow removal. His comments are attached.

Staff finds that this application meets the basic code requirements for a temporary land use permit and that the lot is zoned appropriately. However, the Planning & Zoning Commission has the administrative authority in this case to determine whether or not the use of public property should be granted. Staff does have some issues to highlight for the commission’s consideration.

The primary use of this public land is for snow storage. The applicant has agreed to only operate the business on this site when it is not required for snow storage. In the future, staff would like to have a conversation with the commission regarding appropriate and desired off-season uses for snow storage lots in the community.

Additionally, staff would like to see businesses, albeit seasonal and temporary in nature, utilize the privately owned areas of the commercial districts in Valdez when possible. While Valdez Municipal Code does provide for the temporary use of City property for commercial uses, temporary land use permits are more commonly utilized for construction laydown yards, short term events, or use of public ROW immediately adjacent to brick and mortar businesses, or similar uses.

Per VMC 17.48.140 B2k, if the Planning and Zoning Commission chooses to approve temporary land use permit 21-08, the decision will be reported to City Council. Only upon no objection from City Council will the permit become effective after which, staff will prepare a temporary land use permit using standard language approved by City attorneys and include any conditions required by the Commission. If this application is denied, staff will provide a written explanation to the applicant.

The proposed ordinance changes related to TLUPs, recently reviewed by the commission have not yet been fully adopted. The ordinance will appear for a second reading during the City Council Meeting on May 18, 2021.