



## Legislation Text

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**File #:** ORD 16-0013, **Version:** 1

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### **ITEM TITLE:**

Ordinance #16-13 - Amending the Zoning Map to Effect a Change to Lot 2, ASLS 78-139 from General Commercial (G) to Commercial Residential (CR). Second Reading. Adoption.

**SUBMITTED BY:** Lisa Von Bargaen, CEDD Director

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

Adopt Ordinance # 16-13 Amending the Zoning Map to effect a change to Lot 2, ASLS 78-139 from General Commercial (G) to Commercial Residential (CR).

### **SUMMARY STATEMENT:**

The City of Valdez received a rezone request from Mr. Minish on August 23rd, 2016 for Lot 2, ASLS 78-139. This lot is currently zoned as General Commercial. Mr. Minish would like to rezone his Lot 2 to Commercial Residential for the purpose of using it as a residential unit and business purposes. His plans include a test lab (not marijuana related), an office, and a storage facility. Professional offices, single-family and duplex residences are permitted uses within the Commercial Residential zoning district. A storage facility is not specifically listed as a permitted or conditional use within the district. There are some storage type uses allowed, so this intended use will have to be more specifically outlined by the applicant for staff to confirm if it is allowable. The properties surrounding Mr. Minish's lot are zoned General Commercial, Light Industrial, Commercial Residential and Multi-Family Residential. The intent of the current zoning is listed below.

#### **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.

The intent of the desired zoning is listed below.

#### **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.

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 - Economic Development:** Encourage the development of a broad-based economy in Valdez.

**Objective-** Develop a community plan which accommodates resource related industrial development that meets the desires of community residents.

**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.

**Section 17.54.020(C) of the Valdez Municipal Code** states the following regarding the required area for a rezone. **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."

The lots proposed for the rezone equal approximately 3.705 acres. Therefore this zoning application meets the code requirement for minimum area.

**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 held on September 14, 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 September 2nd, 2016. Notification was published in the Valdez Star on September 7 and September 14, 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 Lot 2, ASLS 78-139 on September 6, 2016. As of September 9, 2016 Staff had not received any comments from neighbors, utilities, or other notified agencies on the rezone. At the Public Hearing on September 14th, Ms. Phyllis Johnson questioned if this rezone would affect her property and voiced her concern that it might. Staff addressed the issue with her and has had no additional feedback from her since the meeting.

The Finding & Conclusions of this rezone are attached for the Commission's review. Staff is not recommending any special conditions associated with this rezone.