



Legislation Text

File #: RES 17-0047, **Version:** 1

ITEM TITLE:

#17-47 - Vacating the Dedicated Easement for the Right of Way and Snow Storage on Kodiak Cove

SUBMITTED BY: Paul Nylund - Senior Planner/GIS Technician

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve Resolution #17-47, granting a petition from Geeks in the Woods to vacate the dedicated easement for the right of way and snow storage on Kodiak Cove.

SUMMARY STATEMENT:

On October 13, 2017 Lee and Lucas Brown doing business as Geeks in the Woods submitted a petition to the platting authority requesting that the right-of-way and snow storage easement for Kodiak Cove be vacated. The Brown's purpose, intent, and stated justification for the vacation are outlined in the attached petition.

Alaska State Statute governs the process by which platted streets may be vacated, it states the following:

AS 29.40.120. Alteration or Replat Petition.

A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration or replat. A platted street may not be vacated, except on a petition of the state, the borough, a public utility, or owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

The attached petition has been submitted by the owners of a majority of the land fronting the street sought to be vacated. The petition has been submitted to the Planning and Zoning Commission as the Platting Authority for the City of Valdez.

A public hearing on the proposed vacation of easement was held on October 25, 2017 as part of the

regular meeting of the Valdez Planning and Zoning Commission. The public hearing notice was sent to property owners within a 300ft radius of Kodiak Cove on October 13, 2017. The public hearing notice was published on the City of Valdez website on October 19, 2017. Notice of the public hearing was posted at City Hall on October 19, 2017.

No objections regarding the petition were voiced at the public hearing. A letter from Pete Eagan of AK DOT, recommending the rejection of the petition was discussed. Lucas Brown, of Geeks in the Woods, said they would take this input into account in their site development plan.

The petition was voted on by the Valdez Planning and Zoning Commission at their regular meeting on November 8, 2017. The petition was granted by a unanimous vote of 6-0.

The City of Valdez Public Works department has reviewed the petition and site plan. The Public Works department written response is attached, they have no objections to the right-of-way and snow lot easement vacation, and their concerns about proper access to all lots will be addressed during the subdivision approval process.

When making recommendations to the Planning and Zoning Commission, staff evaluates proposals for consistency with the City of Valdez Comprehensive Plan and Valdez Municipal Code.

The Valdez Comprehensive Plan provides guidance on the three types or classifications of streets within the City of Valdez. Local Access Streets are used primarily to provide access to abutting residential land uses and low traffic areas. Kodiak Cove is a local access street, the frontage of which is owned entirely by Geeks in the Woods. As such, staff has not identified any negative impacts to the community if the City Council grants approval of the petition.

This request is consistent with the City of Valdez Comprehensive Plan's overall goal which reads:

2.2 OVERALL GOAL

To create an atmosphere that will encourage stable economic development in Valdez while enhancing the quality of life. Improvements should be made to all elements that give the community its' character. This would include enhancing the economic productivity and diversification of the region to assure continued economic prosperity; providing for public safety and the economic welfare of the community when siting future industrial, commercial, residential, and public land uses; enhancing the scenic beauty, uniqueness and historic significance of the Valdez area; and opening up new land for residential, commercial, and industrial land.

This petition supports this goal by assisting the Geeks in the Woods to develop their land in a manner that would allow them to provide the type of work/living environment that they deem vital to their mission of creating a retreat that attracts technology workers to a place that is connected to the Chugach Mountains and Prince William Sound. The steep rocky terrain makes ample area for managed parking very challenging, and the vacation of the right-of-way and snow-lot easement will allow for adequate safe parking space.

This petition supports goals relating to economic development, lifestyle, and land use which are defined in the Comprehensive plan;

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

The granting of this petition would assist the Geeks in the Woods to continue to develop their property in a way that they hope will attract co-workers from their company, and others, to Valdez for work and play. This attraction for Information Technology workers to relocate here in Valdez is a welcome step in diversifying our local economy, which is now heavily dependent on oil, fish, and tourism.

Goal - Lifestyle: *Provide for a maximum freedom of choice for people to engage in the cash economy and use local natural resources to supplement their selected economic lifestyles.*

The Geeks in the Woods are developing this property with the idea of creating a retreat that “is influenced by technology and is connected to nature provided by the Chugach Mountains and Prince William Sound.” This is an example of utilizing Valdez’s unique and stunning natural setting and recreational opportunities in order to attract and entertain prospective residents.

Goal/Commercial-Business Land Use: Provide safe, convenient, and attractive business areas that do not unduly create traffic, lighting, noise, or other unnecessary impacts on adjacent residential neighborhoods.

The development that the Geeks in the Woods are planning on their property is one of small structures, generously spaced across the land. This design consisting of small building footprints and structures tends to have less of an impact on an area than one large building visually and therefore minimizes the impact on the surrounding residential neighborhood.

One concern staff had about the safety of the petition was the response time for the fire and police department if a gate is to be installed. Community Development staff has discussed this with Lucas and Lee Brown of the Geeks in the Woods, and they understand and accept the risk that the vacation of the easement and installation of a gate may slow down emergency response time.

Staff recommends that Valdez City Council grant the petition from Geeks in the Woods to vacate the dedicated easement for right-of-way and snow storage on Kodiak Cove.

If this petition for vacation of easement is granted by the Valdez City Council via resolution, the vacation of the easement will then be recorded and reviewed through the subdivision approval process and associated replatting.