



## Legislation Text

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**File #:** 18-0101, **Version:** 1

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### **ITEM TITLE:**

To approve Conditional Use Permit application #18-01 for an additional 50,000 barrel regular unleaded gasoline tank and associated facilities located at the existing Petro Star Tank Farm facility, 402 W. Egan Drive, submitted by Valdez Petroleum Terminal, Petro Star Inc.

**SUBMITTED BY:** Rochelle Rollenhagen, Senior Planner

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

Approve CUP# 18-01 for Valdez Petroleum Terminal, Petro Star Inc. with the following conditions:

1. All necessary local, state and federal permits must be received prior to the issuance of the CUP;
2. The tank shall be located north of the planned siting to accommodate access to the rear of the tank. The Valdez Fire Department shall determine the distance.
3. Two fire hydrants shall be moved inside the gated facility to accommodate immediate fire suppression capability. The Valdez Fire Department shall determine the location.
4. Use Within Twelve Months Required. In conformance with Valdez Municipal Code Section 17.06.070 (B), any conditional use, variance or exception approved by the Planning and Zoning Commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently pursued to completion; otherwise the approval is automatically voided. Any substantial change to the plans or building proposal shall require resubmission to the Planning and Zoning Commission.

### **SUMMARY STATEMENT:**

The City of Valdez received a request from the Valdez Petroleum Terminal, Petro Star Inc. for a Conditional Use Permit. The parcel is zoned Light Industrial and this use requires a CUP. Chapter 17.36 L-I Light Industrial District allows for the storage and distribution of hazardous, volatile and flammable substances as a Conditional Use. Currently Petro Star is operating under a CUP issued in 1999, and is attached.

The Valdez Municipal Code, Section 17.50.020 (Criteria to be considered [for a CUP] states the following:

*In considering the granting of a conditional use, the planning and zoning commission shall satisfy itself that the general criteria set forth for uses specified in this title will be met. The planning and zoning commission may consider any or all of the criteria listed in this section and may base conditions or safeguards upon them.*

*The planning and zoning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The burden of proof rests with the applicant. The general criteria for considering the conditions, if any, under which permission for a particular conditional use shall or shall not be granted in a district in which that use is specified in the district regulations are as follows:*

- A. Topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality, and the probable effects of the proposed conditional use upon these factors.
- B. Utilities and services requirements of the proposed conditional use, including sewers, storm drainage, water, fire protection, access and electrical power; the planning and zoning commission may request the assistance of public officials with knowledge of the relevant public utility and service systems in evaluating the probable effects of the proposed use of public systems, and may consider the costs of enlarging, upgrading or extending public utility or service systems for the proposed use in establishing conditions under which the use shall be permitted.
- C. Lot or tract characteristics, including minimum lot size, minimum yard requirements, maximum lot coverage by all buildings or structures, and maximum height of buildings or structures.
- D. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, numbers of persons, traffic volumes, off-street parking and loading facilities, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements.
- E. Community appearance, such as landscaping, fencing and screening, depending upon the specific use and its visual impact on the community. (Prior code § 30-43)

#### **17.50.030 Applications-Requirements.**

- A. A person intending to apply for a conditional use under this section shall submit the proposed project data to the community development department. The community development department shall contact the applicable agencies and

utilities to allow them the opportunity to comment. The agencies to be contacted may include but not be limited to:

1. City public works department for water and sewer and snow removal;
2. City engineering department;
3. City building inspector;
4. State Highway Department, if applicable;
5. Local electricity utility;
6. City fire department;
7. Local telephone utility; and
8. Cable TV utility.

B. It is recommended that the application be accompanied by the following materials:

1. Narrative Documentation.
  - a. A legal description of all properties involved in the projects;
  - b. A statement of the objectives expected to be achieved by the project for the consumer and the public;
  - c. A detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist the planning and zoning commission in making this decision; and
  - d. The community development department shall provide the proposed findings and conclusions for consideration by the planning and zoning commission. The proposed findings and conclusions will include comments and issues presented by the reviewing agencies along with a list of any unresolved issues.
2. Site Plans and Supporting Drawings.
  - a. As appropriate, details of the proposed project showing land use layout, building location, vehicular and pedestrian circulation, open space and recreation area, parking layout, schematic sewer and water layout, and any other information necessary to adequately describe the project;
  - b. A preliminary subdivision plat showing proposed lot and dedicated street layout;
  - c. A site grading and drainage plan including existing and proposed topography; and
  - d. Utilities. (Ord. 97-11 § 1: prior code § 30-44)

The public hearing notice was posted in the Valdez Star on February 14 and 21, 2018.  
take place at the Planning & Zoning Commission on February 28, 2018.

A Public Hearing will