



## Legislation Text

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**File #:** 19-0378, **Version:** 1

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### **ITEM TITLE:**

Approval of Temporary Land Use Permit #19-08 for Wook Waffaz, and Cookie Griffith, for Four Months, for a 300 Square Foot Portion of the Small Boat Harbor Overflow Parking Lot, Tract N USS 635 Harbor Subdivision (plat #86-4), 250 Chitina Drive

**SUBMITTED BY:** Nicole LeRoy, Planning Technician

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission not approve temporary land use permit #19-08

### **SUMMARY STATEMENT:**

On July 19, 2019, Planning Department staff received a temporary land use permit application from Wook Waffaz for use of roughly 300 square feet of 250 Chitina Drive (Tract N USS 635, Harbor Subdivision) the Small Boat Harbor overflow parking lot. Wook Waffaz has requested use of this parcel for operation of a food truck (see attached application.) The total area of the lot is 37,139 square feet. The area requested by the applicant is a roughly 300 square foot portion for a food truck and generator, and would likely cover three or four parking spaces. Wook Waffaz would like to use the property for four months.

Since the area Wook Waffaz applied for falls within Harbor designated property, Planning Department staff consulted with the Ports and Harbor Department who determined the application should go before the Ports and Harbors Commission prior to the Planning and Zoning Commission and City Council for a final decision. The Ports and Harbor Commission reviewed Wook Waffaz's application at their regular meeting on August 19<sup>th</sup>, 2019 and unanimously voted against recommending approval to the Planning and Zoning Commission and City Council. Their decision was based on the fact that there is limited parking available at the Small Boat Harbor, and the overflow parking lot spaces are necessary to adequately serve Harbor patrons. In addition, the Commission indicated concern that the City should not compete with private enterprise by acting as a commercial landlord. Staff indicated there was private property owners in the area that may be interested in leasing to Wook Waffaz as an alternative to renting City property.

Per Valdez Municipal Code 17.48.140 B 2e, temporary land use permit requests not to exceed six months in duration may only be granted by the Planning and Zoning Commission if the desired use is in conformance with the existing zoning and/or comprehensive plan. The lot requested is located within the general commercial zoning district which allows “eating and drinking establishments” as a permitted principal use. Fees for temporary land use permits were established by City Council with Resolution #12-36 which states that “for permits not exceeding two acres in size and for a period of six months or less, the fee shall be \$250 per month; except that a pro-rated daily fee of \$9 may be paid in the case where an entire month is not used.” For the period Wook Waffaz has requested, the permit cost will be \$1000.00. In addition, the Harbor overflow parking lot is also subject to a daily parking fee of \$6.25 per parking space. The Harbormaster’s office has indicated that Wook Waffaz would also be responsible for paying this daily parking fee in addition to the standard temporary land use permit fee of \$250/month.

Per VMC 17.48.140 B2k, if temporary land use permit 19-08 is approved by the Planning and Zoning Commission, 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 Commissions.