

**CITY OF UNALASKA
UNALASKA, ALASKA**

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNALASKA TO REZONE THE 36,944 SQUARE FOOT LOT 2, BLOCK 5, JESSE LEE SUBDIVISION FROM HOLDING TO HIGH DENSITY RESIDENTIAL.

WHEREAS, the City of Unalaska, Alaska is a first class city with planning powers provided by State law through AS 29; and

WHEREAS, the City of Unalaska created and adopted zoning in 1996; and

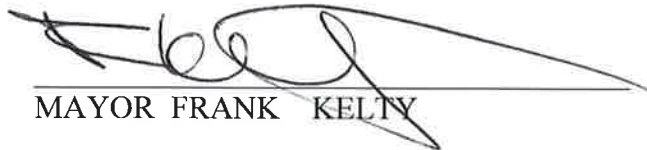
WHEREAS, Lot 2, Block 5 of Jesse Lee Subdivision (Plat 93-13) is located within the corporate boundaries of the City of Unalaska and is currently zoned Holding; and

WHEREAS, the Planning Commission conducted a public hearing on December 15, 2017 in order to consider the testimony of the public regarding a rezoning; and

WHEREAS, the Planning Commission found that rezoning this property to High Density Residential was reasonable, in the public's best interest, in compliance with the specifications of Unalaska Municipal Code, and is in conformance with the goals and objectives of the Comprehensive Plan.

THEREFORE, BE IT RESOLVED that the City Council of the City of Unalaska rezones the 36,944 square foot Lot 2, Block 5 of Jesse Lee Subdivision (Plat 93-13) from Holding to High Density Residential.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 14th DAY OF February 2017.


MAYOR FRANK KELTY

ATTEST


City Clerk *R. Winters*
Acting City Clerk



MEMORANDUM TO COUNCIL

TO: MAYOR AND CITY COUNCIL MEMBERS
THRU: DAVE MARTINSON, CITY MANAGER
FROM: ERIN REINDERS, ASSISTANT CITY MANAGER
DATE: JANUARY 5, 2017
RE: ORDINANCE 2017-02: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNALASKA TO REZONE THE 36,944 SQUARE FOOT LOT 2, BLOCK 5, JESSE LEE SUBDIVISION FROM HOLDING TO HIGH DENSITY RESIDENTIAL

SUMMARY: The owner of Lot 2, Block 5 Jesse Lee Subdivision requested a Zone Amendment/Rezone from Holding to General Commercial to allow for the development of the property. The owner has indicated that the development will likely be a mixed use structure with both residential and commercial. The Planning Commission reviewed the request, considered the testimony of the public, evaluated the requirements outlined in City Code, and has recommended that Council rezoning the property from Holding to High Density Residential. This leaves open the possibility for the indicated development plan but would allow for some safeguards on the intensity of commercial uses that would be permitted. Staff recommends approval of Ordinance 2017-02.

PREVIOUS COUNCIL ACTION: All properties in the City of Unalaska were subject to the 1996 City-wide rezone. At that time this area was zoned "Holding". According to UCO §8.12.150(A), the Holding District is intended to be a temporary zoning designation for those lands within the City of Unalaska that are suitable and intended for future development but for which the landowner has no proposed land use plans. The Holding District is not intended to prohibit future development, but to provide both the city and the landowner flexibility in determining the future zoning district for those lands initially designated as Holding District. Additionally, according to UCO §8.12.050(A), the High-Density Residential District is intended to serve as a land use district for single-, two-, and multiple-family dwelling units. It is also intended that all development in this district be served with public sewer and water.

This is in contrast to the General Commercial District. According to UCO §8.12.070(A), the General Commercial District is intended to provide primarily for the general retail sales, service, and repair activities of the community. It is also to provide locations for professional offices, certain commercial/lighter industrial and warehousing offices, and structures that are not dependent on direct access to a waterbody.

BACKGROUND: In 2012 Glenn Olson, owner of the property in question, submitted an application to the Army Corps of Engineers (USACoE) to fill in the lot in order to construct an 8-plex with on-site parking. A Nationwide Permit (NWP) 29 (POA-2012-258) was granted by with the express condition that the lot be used for housing once it was filled. Since acquiring their NWP 29, the pond has been filled in, and the lot has had a multitude of uses, from staging and storing paving equipment to

storing gravel piles and the relevant equipment. The City of Unalaska asked Mr. Olson to apply for a change in zoning to accommodate use of the property, as the Holding Zone highly restricts use and was not applicable.

Mr. Olson submitted an application requesting the City to rezone the property from Holding Zone to General Commercial, which would allow for the use of the property to include any of the general commercial uses listed in UCO §8.12.070. The applicant's representative stated at the December Planning Commission meeting that the intention is to now to build a structure with a general commercial space on the first floor and residential space on the second floor, although nothing has been submitted in writing to the City. If this lot is rezoned to General Commercial, a wide variety of commercial uses would be allowed to operate by right but the property owner would need to request and obtain a Conditional Use Permit from the Planning Commission to allow for residential units on the lot.

The property in question is surrounded by a mixture of land uses, including parks, churches, schools, and residential homes. Multi-family residential uses and commercial land uses are supported by the Unalaska's Comprehensive and Land Use Plans for this location, directly off East Broadway with access to existing utilities. In order for any construction to take place on this property, the property must be zoned appropriately and building permits will need to be obtained.

Based on the review of the application and the consideration of the tests of code as well as the testimony received at the December Planning Commission meeting voicing concern of zoning the property *General Commercial*, the Planning Commission is recommending a rezoning to *High Density Residential*. This zoning district would support the applicant's original development plan for residential uses, and would still allow for a conditional use permit to be requested for specific commercial uses consistent with the applicant's current development concept.

DISCUSSION: Per UCO § 8.12.190(C), the Planning Commission must find any Zone Amendment/Rezoning action to be reasonable, in the public's interest, and in conformance with the goals and objectives of the Comprehensive Plan in order to offer support. The Planning Commission found that rezoning this property to *High Density Residential* met these three tests and approved Planning Commission Resolution 2016-19, recommending approval of the rezoning to the City Council. The Planning Commission's findings on the rezoning request are outlined below.

Reasonable. The High Density Residential zone is reasonable because it promotes a land use that matches the character of its surroundings and would not cause any particular burdens on the neighborhood. Although this is not the zoning designation originally requested by the applicant, it leaves open the possibility for the expressed development plan but would allow for some safeguards on the intensity of commercial uses that would be permitted.

Public Interest. The High Density Residential zone is in the public interest because it allows for additional housing to be created at an infill site at a location that can support a higher intensity of use. It is in the public interest maximize the use of land for housing wherever it is not expected to cause negative impact.

Comprehensive Plan. The High Density Residential zone is also consistent with the Comprehensive Plan as it would provide more housing opportunities for the community in a location that is supported by the Land Use Plan. The Unalaska Land Use Plan of 2015 for the Nirvana Hill/Armstrong Court Subarea calls for increases in both commercial and multi-family residential land uses. It is specifically states that these more intense land uses are appropriately located along East Broadway Ave.

ALTERNATIVES: Section 8.12.190 (D)(2) outlines potential Council actions as follows: the City Council may accept the recommendation of the Planning Commission or approve a modification to the recommendation of the Planning Commission. Although an outright rejection of the recommendation of the Planning Commission by the Council is possible, doing so is not advised as the current zoning of *Holding* drastically restricts the permitted use of the property.

FINANCIAL IMPLICATIONS: None at this time.

LEGAL: Zone Amendment request is proceeding in accordance with City Code.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and approval of Ordinance 2017-02, rezoning the property from Holding to High Density Residential.

PROPOSED MOTION: "I move to adopt Ordinance 2017-02."

CITY MANAGER'S COMMENTS: Recommend moving forward with rezoning as approved by the Planning Commission.

Attached: City Council Ordinance 2017-02, Signed Planning Commission Resolution 2016-19

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2016-19**

**A RESOLUTION TO THE UNALASKA CITY COUNCIL RECOMMENDING APPROVAL OF
THE ZONING MAP AMENDMENT TO REZONE THE PROPERTY AT LOT 2, BLOCK 5,
JESSE LEE SUBDIVISION, P-93-13, ALEUTIAN ISLANDS RECORDING DISTRICT,
LOCATED AT 180 EAST BROADWAY AVENUE FROM HOLDING TO HIGH DENSITY
RESIDENTIAL**

WHEREAS, UCO §8.12.190 sets forth the procedures for the taking action on a zoning map amendment application; and

WHEREAS, Glenn Olson and Marina Olson are the owners of Lot 2, Block 5, Jesse Lee Subdivision (03-07-893); and

WHEREAS, Glenn Olson has submitted a zoning map amendment application to rezone this property from Holding to General Commercial; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

WHEREAS, the creation of additional both residential and general commercial land is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020; and

WHEREAS, the property in question is surrounded by a mixture of land uses, including parks, churches, schools, and residential; and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on December 15th, 2016 to consider this request and to hear testimony of the public, and


WHEREAS, the Planning Commission reviewed the application, heard public testimony, and on that basis finds that the zoning map amendment to High Density Residential to be reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

THEREFORE BE IT RESOLVED, the Planning Commission recommends to the City Council approval of the rezone of Lot 2, Block 5, Jesse Lee Subdivision, P-93-13, Aleutian Islands Recording District, located at 180 East Broadway Avenue from Holding to High Density Residential.

BE IT FURTHER RESOLVED, the secretary of the Planning Commission is to certify a copy of this Resolution and to file it with the Unalaska City Clerk no later than fifteen (15) working days from the date shown below.

APPROVED AND ADOPTED THIS 15 DAY OF December, 2016, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.


Billie Jo Gehring, Acting Chair


Erin Reinders, AICP, Secretary