

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2022-11

AN ORDINANCE OF THE UNALASKA CITY COUNCIL REZONING LOT 1, BLOCK 3, USS 1992 FROM GENERAL COMMERCIAL TO MODERATE DENSITY RESIDENTIAL

BE IT ENACTED BY THE UNALASKA CITY COUNCIL:

Section 1: Classification. This is not a Code Ordinance.

Section 2: Rezoning of Lot 1, Block 3, USS 1992 from General Commercial to Moderate Density Residential.

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

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

WHEREAS, Lot 1, Block 3, USS 1992, is located within the corporate boundaries of the City of Unalaska and is currently zoned General Commercial; and

WHEREAS, the Planning Commission conducted a public hearing on April 21, 2022 in order to consider the testimony of the public regarding rezoning; and

WHEREAS, the Planning Commission found that rezoning this property to Moderate 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.

Section 3: Effective Date. This ordinance is effective upon passage.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council rezones Lot 1, Block 3, USS 1992 from General Commercial to Moderate Density Residential zone designation.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on June 28, 2022.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Bil Homka, Director, Planning Department
Through: Chris Hladick, City Manager
Date: May 24, 2022
Re: Ordinance 2022-11: Approving a zone amendment from General Commercial to Moderate Density Residential on Lot 1, Block 3, USS 1992, AIRD

SUMMARY: The Planning Commission passed their Resolution 2022-04 at a regularly scheduled meeting on April 21, 2022. The resolution recommends City Council approve a zone change request for the property described above. The applicant is Arctic Chiropractic who desires to convert their mixed use building to three residential units.

PREVIOUS COUNCIL ACTION: In 1999, the City Council approved Ordinance 99-21, rezoning the lot from Single-Family/Duplex Residential to General Commercial. At this time the lot was a single-family home and was added on to create the office space for Arctic Chiropractic. This change allowed for Arctic Chiropractic to operate by-right.

BACKGROUND: On April 21, 2022 the City Planning Commission approved Resolution 2022-04 recommending approval of the zone change request, from General Commercial to Moderate Density Residential. The zone change will provide for additional residential development in the community. The Moderate-Density Residential District is intended to serve as an intermediate density multi-family residential district where up to four residential dwelling units per lot may be permitted.

The original request was for Resolution 2022-03 for a conversion to a High-Density Residential zone. The Planning Commission unanimously voted to deny the resolution due to the lot size. This lot is 13,094 square feet, meaning that the lot will only be able to sustain a maximum of 3 units by right in either the High Density or Moderate Density categories, without a variance. Because of the inherent limit on the lot, the Commission Recommended a change to Moderate Density.

The City Planning Commission held a public hearing on April 21, 2022. All but one member was in attendance for the meeting. Commissioner Caroline (Vicki) Williams was on an excused absence for medical leave, while Commissioner Ian Bagley did not vote due to a conflict of interest. The other three members were in attendance and voted unanimously in support of the zone change. No members of the public attended the meeting.

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 Moderate Density Residential met these three tests. Resolution 2022-04 was approved by the Planning Commission and recommends City Council review and approve the same based on the findings outlined below.

Reasonable. The Moderate 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. The lot is sufficiently sized for the structure and necessary parking requirements. Furthermore, there are many residential uses on the same block, including a neighboring High Density Residential block.

Public Interest. The Moderate Density Residential zone is in the public interest because it allows for the structure to maximize its potential for housing with minimal impact on the surrounding neighborhood. 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 Moderate Density Residential zone is also consistent with the Comprehensive Plan as it would provide more housing opportunities for the community. The Comprehensive Plan highly prioritizes the creation of more housing opportunities in the community. The Unalaska Land Use Plan of 2015 for the Downtown/Unalaska Townsite Subarea calls for increases in both commercial and mixed-use land uses. This land use is not consistent with the Land Use Plan, but is in line with the goals and priorities of the Comprehensive Plan at large.

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 there are no future plans for commercial use, and the lot would require conditional use permitting for the residential use.

FINANCIAL IMPLICATIONS: None at this time

LEGAL: Zone Amendment request is proceeding in accordance with City Code. City council must hold two readings of the proposed ordinance and a public hearing prior to taking any action on the zone change request. This matter is not an emergency.

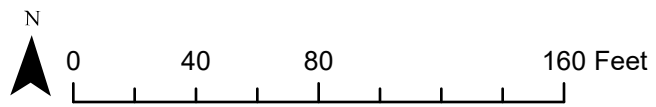
STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and approval of Resolution 2022-11, rezoning the property from General Commercial to Moderate Density Residential.

PROPOSED MOTION: I move to introduce Ordinance 2022-11 and schedule it for public hearing and second reading on June 28, 2022.

CITY MANAGER COMMENTS: I support Staff's Recommendation.

ATTACHMENTS:

1. Aerial Map with Parcel Lines and Subject Lot
2. Planning Commission Resolution 2022-04 (*approved by PC; chair signature pending*)
3. Public Meeting Notice
4. Meeting Minutes



Maps and associated information have been created or purchased by the City of Unalaska and were compiled from the most authentic data available. The City is not responsible for any errors or omissions contained hereon. All data and materials Copyright © 2022. All Rights Reserved.



**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2022-04**

**A RESOLUTION APPROVING A ZONE ADMENDMENT FROM GENERAL COMMERCIAL
TO MODERATE DENSITY RESIDENTIAL ON LOT 1, BLOCK 3, USS 1992, AIRD**

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

WHEREAS, the applicant, Arctic Chiropractic is the owner of Lot 1, Block 3, USS 1992, filed in the Aleutian Islands Recording District, addressed as 372 Bayview Avenue; and

WHEREAS, Arctic Chiropractic has submitted a zoning map amendment application to rezone this property from General Commercial to High Density Residential; and

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

WHEREAS, the encouragement, and support of the needs of housing is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020; and

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

WHEREAS, the City of Unalaska Planning Commission held a public hearing on April 21, 2022 to consider this request and to hear testimony of the public on Resolution 2022-03; and

WHEREAS, the City of Unalaska Planning Commission determined that the size of the lot was more conducive to supporting a Moderate Density Zoning classification; and

WHEREAS, the City of Unalaska Planning Commission denied Resolution 2022-03; and

WHEREAS, the City of Unalaska Planning Commission decided to draft and approve Resolution 2022-04; and

WHEREAS, the Planning Commission reviewed the application, heard public testimony, and on that basis finds that the zoning map amendment to Moderate 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 1, Block 3, USS 1992, filed in the Aleutian Islands Recording District, addressed as 372 Bayview Avenue to Moderate 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 _____ DAY OF _____, 2022, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Travis Swangel
Commission Chair

Bil Homka, AICP, Planning Director
Secretary of the Commission

NOTE:

*Approved at April 21 Planning Commission
Meeting; awaiting signature by Chair*

**CITY OF UNALASKA, ALASKA
PLANNING COMMISSION & PLATTING BOARD
REGULAR MEETING
THURSDAY, APRIL 21, 2022, IMMEDIATELY FOLLOWING THE HISTORIC PRESERVATION MEETING
AGENDA**

ZOOM Meeting Link:

<https://us02web.zoom.us/j/88067162753?pwd=c1VSY2RpYUI5QXJqQzhOeTFQbG9vUT09>

Meeting ID: 880 6716 2753 **Access Code:** 835045

Toll Free Numbers: 833 548 0276 833 548 0282 877 853 5247 888 788 0099

CALL TO ORDER
ROLL CALL
REVISIONS TO THE AGENDA
APPEARANCE REQUESTS
ANNOUNCEMENTS
MINUTES: Draft minutes from the meeting January 20, 2022

PUBLIC HEARING

1. **RESOLUTION 2022-03:** A RESOLUTION APPROVING THE REZONING OF LOT 1, BLOCK 3, USS 1992, FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL

OLD BUSINESS

No Items

NEW BUSINESS

1. **RESOLUTION 2022-03:** A RESOLUTION APPROVING THE REZONING OF LOT 1, BLOCK 3, USS 1992, FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL

WORKSESSION

1. Draft CMMP Presentation

ADJOURNMENT

City of Unalaska
UNALASKA PLANNING COMMISSION

P. O. Box 610 • Unalaska, Alaska 99685
(907) 581-1251 • www.ci.unalaska.ak.us

Regular Meeting
Thursday, April 21, 2022
6:00 p.m.

Unalaska City Hall
Council Chambers
43 Raven Way

Commission Members
Ian Bagley
Virginia Hatfield.

Travis Swangel, Chairman

Commission Members
Vicki Williams
Rainier Marquez

MINUTES

1. Call to order. Commissioner Swangel called the Regular Meeting of the Unalaska Planning Commission to order at 6:33 pm, on April 21, 2022, in the Unalaska City Hall council chambers.
2. Roll call

<u>Present:</u>	<u>Absent:</u>
Virginia Hatfield	Ian Bagley
Travis Swangel	Rainier Marquez
3. Revisions to the Agenda – None.
4. Appearance Requests – None.
5. Announcements – None.
6. Minutes – Marquez made a motion to approve January 20, 2022 Planning Commission minutes, Hatfield seconded motion. No discussion, approved 4-0
7. Public Hearing – Resolution 2022-03 - None.
8. Old Business – None.
9. New Business – Bagley made a motion to approve Resolution 2022-03 approving a Rezone of Lot 1 Block 3 of USS 1992 from General Commercial to High Density Residential; Marquez seconded. Bagley recused himself, nullifying the motion. Motion to approve Resolution 2022-03 brought again by Hatfield, seconded by Marquez. Motion failed 0-3. Hatfield made a motion to approve Resolution 2022-04 approving a Rezone of Lot 1 Block 3 of USS 1992 from General Commercial to Moderate Density Residential. Seconded by Marquez. Motion passed 3-0
10. Worksession – Commissioners discussed the CMMP, specifically supporting the Parks and Recreation plan, as well as the UMC restrooms project. Commissioner Bagley identified a potential cost saving on the East Point waterline inspection. Commissioner Swangel discussed the entrance channel dredging project, as well as the solid waste gasifier, Captains Bay road, and geothermal projects.
11. Adjournment – Having completed the agenda, the meeting was adjourned without objection at 7:43 pm.

William Homka, AICP
Secretary of the Commission

Travis Swangel
Commission Chairman

Date

Date