

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-06

AN ORDINANCE OF THE UNALASKA CITY COUNCIL REZONING LOT 9, BLOCK 2, USS 1992, FROM GENERAL COMMERCIAL TO SINGLE FAMILY/DUPLEX 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

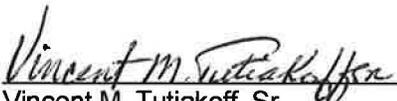
WHEREAS, Lot 9, Block 2, USS 1992, is located within the corporate boundaries of the City of Unalaska and is currently zoned General Commercial; and

WHEREAS, the Planning Commission conducted a public hearing on March 19, 2020 in order to consider the testimony of the public regarding rezoning; and

WHEREAS, the Planning Commission found that rezoning this property to Single Family/Duplex 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.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council rezones Lot 9, Block 2, and USS 1992 from General Commercial to Single Family/Duplex Residential.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on April 28, 2020.



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: Erin Reinders, City Manager
Date: April 14, 2020
Re: Ordinance 2020-06 Approving a zone amendment from General Commercial to Single Family/Duplex on Lot 9, Block 2, USS 1992

SUMMARY: The Planning Commission passed Resolution 2020-03 at a regularly scheduled meeting on March 19, 2020. The resolution recommends City Council approve a zone change request for the property described above. The applicant is Marilyn McCracken who desires to construct a duplex on the parcel for residential uses.

PREVIOUS COUNCIL ACTION: None

BACKGROUND: On March 19, 2020 the City Planning Commission approved Resolution 2020-03 recommending approval of the zone change request, from General Commercial to Single Family/Duplex. The zone change will provide for additional residential development in the community. The Single-Family/Duplex District is intended to stabilize and protect the one and two-family dwelling residential character of the district and to promote and encourage a safe and suitable environment for family life.

This lot is a grandfathered non-conforming lot due to its size not conforming to the zoning code requirements. Its size is not legal in any zone. However, lots smaller than 6,000 square feet are permitted provided they can meet required setbacks to allow for parking and access. A full analysis of the site is attached to this memorandum that outlines general site information, comprehensive plan guidance, additional code requirements and detailed findings.

The City Planning Commission held a public hearing on Thursday, March 19, 2020. This matter was the only item on the meeting agenda. Two members did not attend the meeting because they had conflicts of interest, because they own property in the adjacent/affected area and received property owner meeting notices. These members were Caroline (Vicki) Williams and Ian Bagley. 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: Pursuant to 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 Single Family/Duplex Residential met these three tests. Resolution 2020-03 was approved by the Planning Commission and recommends City Council review and approve the same based on the findings outlined below.

Reasonable: The Single Family/Duplex 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.

Public Interest. The Single Family/Duplex 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 residential use. It is in the public interest to maximize the use of land for housing wherever it is not expected to cause negative impact.

Comprehensive Plan. The Single Family/Duplex 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 remain vacant.

FINANCIAL IMPLICATIONS: None at this time.

LEGAL: The 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 Council accept the Planning Commission's recommendation and approval of Commission Resolution 2020-03, rezoning the property from General Commercial to Single Family/Duplex Residential.

PROPOSED MOTION: I move to schedule Ordinance 2020-06 for public hearing and second reading on April 28, 2020.

CITY MANAGER COMMENTS: I support staff's recommendation.

ATTACHMENTS:

- Staff Report to Planning Commission
- Planning Commission Resolution 2020-03
- Aerial map with parcel lines and subject lot
- Public Meeting Notice
- Letter to adjacent and affected property owners
- Mailing list for notice to adjacent and affected property owners

**City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report**

A RESOLUTION APPROVING A ZONE ADMENDMENT FROM GENERAL COMMERCIAL TO SINGLE FAMILY/DUPLEX ON LOT 9, BLOCK 2, USS 1992, AIRD

Basic Information	
Application Type	Zoning Amendment
Land Owner	Marilyn McCracken
Applicant	Marilyn McCracken
Proposed Change	General Commercial to Single Family/Duplex
Exhibits	Application, Site map
Staff Recommendation	Approval

Legal Information	
Tax Parcel ID	03-07-310
Address	137 West Broadway Avenue, Unalaska, Alaska 99685
Legal Description	Lot 9, Block 2, USS 1992
Land Use Subarea	Downtown/Unalaska Townsite

Area Description	
North	Blue Fox Alley, Residential Block
South	West Broadway Avenue
East	3 rd Street
West	Public/Quasi-Public Historic Property – Swanson House

Current Site Description and Zoning Standards			
Zone	General Commercial (GC) (UCO §8.12.060)		
Existing Use	Vacant		
Permitted Uses	(A) Purpose and intent. 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 water body.		
	Required		Required
Lot Area	10,000 SF	Grandfathered Lot	Front Setback 20 Feet
Lot Frontage	70 Feet		Side Setbacks 10 Feet, 15 on roadside
Coverage	60%		Rear Setback 20 Feet
Building Height	50 Feet		Parking N/A
Corner Lot?	Yes		Nonconformance? Yes, existing lot only 4,938 SF.

Proposed Site Zoning Standards				
Zone	Single Family/Duplex (SDF) (UCO §8.12.030)			
Permitted Uses	(A) Purpose and intent. The Single-Family/Duplex District is intended to stabilize and protect the one- and two-family dwelling residential character of the district and to promote and encourage a safe and suitable environment for family life.			
	Required			Required
Lot Area	6,000 SF	Grandfathered Lot	Front Setback	15 Feet
Lot Frontage	60 Feet		Side Setbacks	10 Feet & 15 Feet on roadside
Coverage	40%		Rear Setback	15 Feet
Building Height	30 Feet		Parking	2 Spaces/unit
Corner Lot?	Yes		Nonconformance?	Yes, existing lot only 4,938 SF.

Parcel History	
Planning Commission Resolution	97-18: Approved 2 dwelling units in a commercial structure 97-19: Approved a variance of 4 parking spaces to the 15 space requirement 97-22: Approved a 17'6" front yard setback 97-23: Approved a 8'6" side yard setback 97-26: Approved a variance of 3'6.5" to the 10' building separation requirement.
City Council Ordinance	In 1990, City Council denied a request for a taxi repair shop.

PLAN GUIDANCE

1. The Economic Development goal of the Comprehensive Plan includes a mandate to “Make more land available for housing and businesses”.
2. The Unalaska Housing Plan calls for a consistent increase in available housing.
3. The Unalaska Land Use Plan, however, calls for an increase of commercial and mixed uses in the downtown area.

ADDITIONAL CODE REQUIREMENTS

1. A re-zoning action will need to be sent up to City Council to approve.
2. There are no tests of code to determine the appropriateness of a rezoning action.

BACKGROUND

1. The owner would like to rezone the lot to Single Family/Duplex, making the lot available for housing.
2. The lot is a grandfathered non-conforming lot. It is not legal in any zone. However, lots smaller than 6,000 SF are provided setbacks in SFD code.

DETAILED FINDINGS

1. The lot would require 2 parking spaces per unit.
2. Given the size of the lot, there is little encouragement to create a mixed use structure.
3. The property was given several variances in 1997. The change to the zoning of this property will re-set the property setbacks and nullifies the variances. These variances are all larger than the setbacks provided by right with the exception of one side where the lot will have a 15 foot side yard setback along 3rd St.
4. The lot appears to have sat vacant since at least 1997, when the property owner requested variances to replace a warehouse that had been on the lot.
5. This would be a less intense use of the lot than the existing by right commercial uses.
6. The Comprehensive Plan is split fairly evenly on supporting both business (general commercial) and housing (single family/duplex) uses of land in general.
7. The decision to rezone this lot must weigh the value of planned investment in a vacant lot verses the projections of the Land Use Plan for this neighborhood.

CONDITIONS

N/A

DECISIONS

1. **Recommended:** The Planning Commission approves rezone with a finding of fact, which is sent to the City Council for final decision. **Staff supports this action due to the opportunity for development of the vacant lot.**
2. **Alternative:** The Planning Commission denies the rezoning and recommends that the land owner instead seeks a Conditional Use Permit for the lot, maintaining the underlying General Commercial zone. **Staff does not support this option.**

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2020-03**

**A RESOLUTION APPROVING A ZONE ADMENDMENT FROM GENERAL COMMERCIAL
TO SINGLE FAMILY/DUPLEX ON LOT 9, BLOCK 2, 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, Marilyn McCracken is the owner of Lot 9, Block 2, USS 1992, filed in the Aleutian Islands Recording District, addressed as 137 West Broadway Avenue; and

WHEREAS, Marilyn McCracken has submitted a zoning map amendment application to rezone this property from General Commercial to Single-Family/Duplex 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

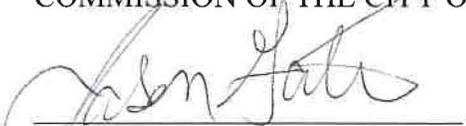
WHEREAS, the City of Unalaska Planning Commission held a public hearing on March 19, 2020 to consider this request and to hear testimony of the public, and

WHEREAS, the Planning Commission reviewed the application, heard public testimony, and on that basis finds that the zoning map amendment to Single-Family/Duplex 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 9, Block 2, USS 1992, filed in the Aleutian Islands Recording District, addressed as 137 West Broadway Avenue to Single-Family/Duplex 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 19th DAY OF MARCH 2020, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.



Jason Gates
Commission Chair

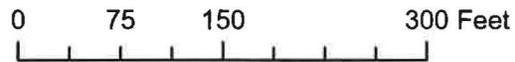


Bil Homka, AICP, Planning Director
Secretary of the Commission

137 West Broadway Ave. Zone Amendment Application



-  Applicant Parcel
-  300' Buffer
-  Tax Parcels



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 2020. All Rights Reserved.



CITY OF UNALASKA
UNALASKA, ALASKA

NOTICE OF PUBLIC HEARING

THURSDAY, MARCH 19, 2020

6:00 PM

UNALASKA CITY HALL COUNCIL CHAMBERS

**ORDINANCE 2020-03: AN ORDINANCE OF
THE PLANNING COUNCIL OF THE CITY OF
UNALASKA TO REZONE THE 4,918 SQFT LOT
9, BLOCK 2, USS 1992 SUBDIVISION (03-07-
310) FROM GENERAL COMMERCIAL TO
SINGLE- FAMILY RESIDENTIAL**

March 3, 2020

Please be advised that City of Unalaska Code of Ordinances requires that we notify all property owners of record within 300 feet of the proposed zoning change prior to the Public Hearing before the Planning Commission. You are invited to attend and participate in this meeting.

The City of Unalaska Planning Commission has scheduled a Public Hearing regarding the Zone Amendment request on Thursday, March 19, 2020 at 6 pm, at the City Hall Council Chambers. The public Notice is attached.

Feel free to contact our department with any questions you might have.

Sincerely,

Jasmine Gonzalez

Planning Administrative Assistant

OBJECTID	PID	BillTo_M	Address1_M
3048	307217	ALEXANDRIA HOUSE INC	PO Box 920071
3040	307219	ALEXANDRIA HOUSE INC.	PO Box 920071
3037	307231	OUNALASHKA CORPORATION	P.O. Box 149
3017	307237	ANDREW MURPHY	P.O. Box 920785
3008	307251	DORA KRUKOFF ET AL	24 S 2nd Street
3043	307300	OUNALASHKA CORPORATION	P.O. Box 149
3042	307302	RANDALL WHITE; DENISE RANKIN	P.O. Box 135
3038	307304	BILL & DIANE SHAISHNIKOFF	P.O. Box 196
3035	307306	TIMOTHY G. LEKANOFF	P.O. Box 133
3032	307308	BAHAI CENTER	P.O. Box 73
3015	307310	MARILYN KRUKOFF	P.O. Box 16
3019	307312	CITY OF UNALASKA	P.O. Box 610
3024	307314	KAROLY GASPAR	PO Box 921275
3030	307316	TUYET SOUNG THI NGUYEN	PO Box 921042
3014	307318	DALE DORSEY	410 NE 10th Ct.
3010	307320	HAL LEWIS	P.O. Box 920571
3004	307322	OUNALASHKA CORPORATION	P.O. Box 149
2997	307324	HAL LEWIS	P.O. Box 920571
2993	307326	EMIL BERIKOFF JR.	P.O. Box 81
2971	307328	ILULIUK FAMILY AND HEALTH SERVICES INC.	PO Box 144
2979	307330	RUTH SHAISHNIKOFF	P.O. Box 23
2984	307332	SHAPSNIKOFF ET AL	P.O. Box 186
2992	307334	SERGIE KRUKOFF	P.O. Box 35
3001	307336	WILLIAM E. BERIKOFF, JR.	PO Box 240
2977	307346	SHAWN BYFORD ET AL	P.O. Box 231
2969	307348	STEVEN GREGORY	P.O. Box 1034
2967	307350	MARGARET MAKARIN	7762 Broadstone Place SW
2957	307352	FLORA TUTIAKOFF	P.O. Box 605
3026	307401	ARCTIC CHIROPRACTIC UNALASKA LLC	1150 S. COLONY WAY #226
3021	307403	VALDEZ PETROLEUM TERMINAL INC.	3900 C. Street # 802
2999	307409	ESTATE OF PAUL TUTIAKOFF	Unknown
2980	307411	SCOTT LACKNER	P.O. Box 921112
2982	307412	HAL LEWIS	P.O. Box 920571
2988	307413	TIMOTHY G. LEKANOFF	P.O. Box 133
2998	307415	PETER & SOPHIE GALAKTIANOFF	P.O. Box 1
3002	307417	LANCE J. HENNING	PO Box 920524
3009	307419	SHAWN BYFORD ET AL	P.O. Box 231
2985	307421	CITY OF UNALASKA	P.O. Box 610
2972	307423	HEIRS OF JOHN BERESKIN	P.O. Box 114
2963	307425	ALICE MOLLER	P.O. Box 135
2955	307427	KIM & QUY NGUYEN	P.O. Box 921154
2951	307433	SOPHIE SHEREBERNIKOFF	P.O. Box 125
3277	308100	CITY OF UNALASKA	P.O. Box 610

Address2_M

DUTCH HARBOR, AK 99692
DUTCH HARBOR, AK 99692
Unalaska, AK 99685
Dutch Harbor, AK 99692
Saint Paul, AK 99660
Unalaska, AK 99685
Dutch Harbor, AK 99692
Dutch Harbor, FL 99692
Newport, OR 97365
Dutch Harbor, AK 99692
Unalaska, AK 99685
Dutch Harbor, AK 99692
Unalaska, AK 99685
Selawik, AK 99770
Wrangell, AK 99929
Unalaska, AK 99685
Port Orchard, WA 98367
Moretown, VT 05660
PALMER, AK 99645
Anchorage, AK 99503
Unalaska, AK 99685
Dutch Harbor, AK 99692
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Unalaska, AK 99685
Dutch Harbor, AK 99692
Wrangell, AK 99929
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