

VALDEZ PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MAY 9, 2012

**I. CALL TO ORDER**

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:10pm by Chairperson Malone.

**II. ROLL CALL**

Chairperson Malone, Commissioners Haase, Swierk and Delozier were present, Commissioners Hogarth and Ragan were absent and excused; there is one vacancy.

Staff present included Lisa VonBargen, Director; Janine Vadeboncoeur, Planning Technician; and Wendy Farlin, Senior Office Assistant of the Community & Economic Development Department.

Gary Johnson of Peter Pan Seafoods was present in the audience.

**III. APPROVAL OF MINUTES – March 28, 2012 Regular Meeting Minutes**

**MOTION: Commissioner Haase moved and Commissioner Delozier seconded approval of the March 28, 2012 regular meeting minutes.**

**VOTE ON THE MOTION: 4 Yeas, 2 absent and excused (Commissioners Hogarth and Ragan) and 1 vacancy; motion carried.**

**IV. PUBLIC BUSINESS FROM THE FLOOR - None**

**V. PUBLIC APPEARANCES - None**

**VI. PUBLIC HEARINGS**

**1) (EXCPT #12-02) Exception for an Existing 1.4 Foot Encroachment of the House into the 10 Foot Eastern Side Yard Setback on Lot 5, Block 12, Mineral Creek Subdivision. Applicant: Colette LaBonte**

There was no one in the audience for this public hearing and there were no questions from the Commission.

**VII. UNFINISHED BUSINESS – None**

**VIII. NEW BUSINESS**

**1) Peter Pan Seafoods Lease Request – Discussion Item Only**

Lisa VonBargen recapped the Commission's previous discussions and concerns on March 14, 2012 regarding this lease, which the Commission postponed until more information could be provided. Included in this packet was an email from Gary Johnson, Peter Pan Seafoods Plant Manager who was also in the audience. Commissioner Delozier asked what the intent of Tract J was going to be. Gary Johnson responded that

Peter Pan Seafoods is looking at their options such as product processing, i.e. canning versus freezing, depending on the demand. Peter Pan Seafoods would like to build a facility on Tract J to freeze Pink salmon when it is feasible. Gary further stated that they currently have a freezing option but it is not large enough to handle freezing Pink salmon at the quantity they would like. Commissioner Delozier asked when building would commence as well as the size of the building. Gary responded that he would hope within the next 5 years and that the building would be 20,000 square feet.

Commissioner Delozier asked about the roof on the existing building and possible snow shedding issues. Gary Johnson stated that the building would not be built adjacent to the existing building; that there would be room left to remove snow between the buildings. Commissioner Delozier asked what Peter Pan Seafoods' intent would be for Tract J between now and the start of construction. Gary stated that the current lease of 50 feet is used for loading of trucks with scrap for pet food, storage of items used throughout the canning season and bin storage of Pink salmon that are waiting to be picked up. Gary further stated that Tract J would most likely not have much use until construction; Peter Pan Seafoods would like to have the lease secured. Gary further stated that it is not the intent to make Tract J a lay down area. Commissioner Delozier stated that he wants to make the property available to Peter Pan Seafoods, that they are a valuable asset to Valdez, but is concerned about the corner of Tract J working out towards the jetty to the former Sea Otter RV Park and wants it to be aesthetically pleasing. Lisa VonBargen asked if Peter Pan Seafoods would be amenable to allowing public access on the west end of Tract J until construction started and Gary Johnson responded yes. Chairperson Malone expressed concern about Tract J turning into a storage area and Lisa VonBargen stated that use requirements could be set as part of the lease agreement. Chairman Malone asked Gary Johnson if Peter Pan Seafoods would still be interested in the lease if use requirements were a part of the lease and Gary responded yes; however, he wouldn't want to "be handcuffed" so that Peter Pan Seafoods could not store equipment that is operationally used during the season.

Commissioner Delozier stated that they were "tip top" in his book and he was proud of them. Gary stated that this will be the 25<sup>th</sup> year that Peter Pan Seafoods has been in Valdez and they are happy to be here. Gary further stated that Peter Pan Seafoods has a great working relationship with the City and they appreciate that the City is supportive.

Commissioner Delozier asked about the length of the lease. Lisa VonBargen stated that originally, Peter Pan Seafoods asked for a lease to be concurrent with their other leases which end in 2039. However, in order to give some comfort to the Planning and Zoning Commission a compromise of 5 years with some development steps was discussed with the option that, if sufficient progress has been made then the lease would be extended to 2039. Commissioner Haase asked if, provided progress was sufficient, the approval to extend the lease to 2039 would be an automatic renewal. Lisa VonBargen responded that just like any other renewal, it would have to go before the City Council for approval. Commissioner Haase then asked Gary if Peter Pan Seafoods would still be willing to move forward with the lease, knowing that during that time the City Council could completely change over personnel. Gary responded that that was a risk that Peter Pan Seafoods would take. Lisa VonBargen added that if the timeframe of the first 5 year

lease was accelerated, that Peter Pan Seafoods was moving ahead faster than the timeline, City Council could elect to extend the lease to 2039 ahead of the 5 year lease expiration.

Commissioner Haase stated that he thought it was a very good plan and did not want to put up any roadblocks.

A time that is convenient for Commissioners as well as Gary Johnson will be decided on to have an off-site work session at the Peter Pan Seafoods Plant.

## **2) Addition to Valdez Municipal Code of Conditional Use Home Occupations – Discussion only**

Lisa VonBargen explained that currently the requirement for home occupations is that they cannot exceed 20% of the floor space of a dwelling, and technically the code allows home occupations only be allowed within a dwelling; however, home occupations in accessory structures have been allowed as long as the floor space percentage isn't exceeded. Lisa was approached by a landowner who wants to construct a dance studio in Corbin Creek that would exceed the 20% limit. This proposal would allow owners of larger lots to have the percentage increased to 21-50% of the dwelling or detached accessory structure. Lisa stated that the Commissioners could add conditions to the conditional use home occupation that would ensure that the intent of the applicable zoning district was not exceeded.

Commissioner Haase asked why the 20% even applied; that as long as noise, parking, smells, etc. did not affect the neighbors he felt the 20% should be stricken all together. Commissioner Swierk agreed, stating that if a particular business required more than 50% of a dwelling and the occupant was amenable to that then it should be allowed.

Lisa VonBargen responded that if it exceeds 50%, then it would no longer be considered a home occupation, it would be considered commercial. Commissioner Delozier stated that if the percentage was done away with, then potentially someone could buy a piece of property, start a business under home occupation and then actually live somewhere else and that isn't fair to business owners who have to follow commercial regulations. Commissioner Delozier further stated that to him, if a business has employees then it is no longer a home occupation and yet there are local B & B's who claim they are B & B's and yet seem to really be small hotels and get away with not having to follow the same regulations as hotels. Commissioner Delozier stated there seems to be a double standard in that regard and has heartburn with it and said that what qualifies as a home occupation and what does not really needs to be pinned down. Lisa VonBargen agreed and stated that the 20% may be a fire marshal requirement and would have to be verified.

Chairperson Malone expressed concern that it could get out of hand; that in the case of the dance studio the instructor currently teaches 25 students a couple times a day and when you factor in the cars for those people then parking issues arise. Lisa VonBargen reiterated that this would be a perfect example of a condition that could be set limiting the number of students as well as number of cars allowed to park and that the current home

occupation code already states that the business may not increase the level of traffic that is customary in a residential area. In this particular place, the location in question is on Bering Street, which is the first street in Corbin Creek and across the street is zoned Commercial Residential. Lisa further stated that because it's located on a street that has half of the street already zoned Commercial Residential, they are already "set up" for the increased traffic. If the location was the next street over then it would be a different matter. Lisa stated that what it boils down to is whether or not the Commissioners feel it is worth exploring the option of a code amendment allowing the increase in occupied percentage for a home occupation.

It was the consensus of the Commissioners that Lisa VonBargen pursue the issue and bring a proposal to the Commission for further discussion.

## **IX. REPORTS**

### **1) E-Notes**

There were no additions to the e-notes.

### **2) Staff Report – Verbal at Meeting**

Lisa VonBargen informed the Commission that the Planning Core for Strategic Planning met last weekend and took the more than 300 milestones and started assigning them to the objectives underneath the five goals that have been determined. Lisa further stated that three of the goals were completed and the Core will be meeting on May 30<sup>th</sup> and 31<sup>st</sup> to finish. Commissioner Swierk asked if any of the information was available to look at and Lisa VonBargen responded that it is available on the website and encouraged the Commissioners to look at it.

Lisa informed the Commission that staff is working with a consultant to adopt the 2009 International Building Codes and as a part of that, will be forming a committee made up of local contractors to review it. Lisa further stated that she would like at least one Commissioner on the committee. Commissioner Delozier volunteered.

Lisa also informed the Commission that the vacancy on the Planning and Zoning Commission is being re-posted.

## **X. COMMISSION BUSINESS FROM THE FLOOR**

Commissioner Haase stated that he will be absent for the May 23rd meeting and asked if there was any update on the Beautification Task Force.

Lisa VonBargen responded that the firm hired to come up with an urban design was in town the first week of May and held a three day open house for people to come and give suggestions and/or talk with them. They had a lot of good discussion and feedback from members of the community. They have some really interesting ideas for the main street such as connecting all the green space to the waterfront, a community plaza area,

roundabouts at the Egan/Richardson Highway/Meals and the Hazelet/Egan intersections, running a trail up the mountain by Magpies Bakery to connect to the Civic Center lookout and a median down the center of Egan to name a few of the ideas. They also met with the DOT Northern Region, which oversees Valdez, and DOT recognizes that Valdez has a very important transportation corridor yet needs to make it visually appealing for the community and visitors. Lisa further stated that Valdez might be in a good spot to implement some of these ideas as Larry Reynolds is planning on rebuilding at the old Three Bears site and the plan calls for the building to look like Old Town Valdez. Lisa informed the Commissioners that the Beautification Task Force information is also available on the website and encouraged them to look at it as well as the Strategic Planning information.

Commissioner Swierk asked if there had been any discussion on the road coming in to town and Lisa responded yes, the Core under Strategic Planning had some serious discussion about it.

Commissioner Swierk asked how to go about getting the Bike Path continued into Keystone Canyon. Lisa VonBargen responded that the best action is to add the project to the STIP (State Transportation Improvement Plan) list with DOT and would get the contact information to Commissioner Swierk.

Chairperson Malone stated that he is in the works to get a wood carver from Wasilla to come to town for visitors to have something to watch.

Commissioner Delozier asked about an update on Mountain High Espresso; was it determined that it was on a permanent foundation. Lisa VonBargen responded that it was not, and they are proceeding with adding the foundation.

## **XI. ADJOURNMENT**

The meeting adjourned at 8:27 pm.