

CONDITIONAL USE PERMIT APPLICATION

ALEXANDRIA HOUSE

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

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A MIXED
USE STRUCTURE WITH A TOTAL OF ONE RESIDENTIAL UNIT ON LOTS 8, 9, AND 11,
BLOCK 1, USS 1992, ALEUTIAN ISLANDS RECORDING DISTRICT, LOCATED AT 28 N
SECOND STREET**

Project Information	
Land Owner	Alexandria House Inc.
Applicant	John Honan
Location	28 N Second Street (Corner of Second and Bayview)
Property Identification	03-07-215/03-07-217/03-07-219
Application Type	Conditional Use Permit
Project Description	The existing structure is currently unoccupied on the property in question. A conditional use permit is required to allow for the second floor to be used for residential purposes. The commercial use proposed for the first floor is allowed in this zoning district by right.
Zoning	General Commercial
Exhibits	Draft Resolution 2013-22, Conditional Use Permit Application and Supplemental Materials, Location Map
Staff Recommendation	Approval of Resolution 2013-22 with associated condition of approval

PLAN GUIDANCE

1. The Unalaska Comprehensive Plan 2020 identifies a vision for the future that includes the following:
 - More housing – and more affordable housing – would be created within the City limits. This is “the key to our future,” without which Unalaska will not be able to retain its current residents or accommodate additional residents. Therefore, over the next ten years it will be essential to make more land available for the development of quality, affordable housing.
2. Goal #9 of the Unalaska Housing Plan is to ensure that zoning and all regulatory and permit processes support the redevelopment of in-fill lots and new subdivisions for new housing development.
3. Goal #4 of the Unalaska Housing Plan is to preserve and improve the condition and stability of existing housing throughout the city.
4. The Unalaska Comprehensive Plan 2020 identifies a value in the economic development section of its community action agenda that includes the following:
 - Ensure the provision of adequate land area for the development of businesses and industries to strengthen and further diversify the local economy, supported by the primary action of making more land available for businesses and industries.

CODE REQUIREMENTS

1. According to UCO §8.12.070, 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.
2. According to UCO §8.12.070, the General Commercial district allows residential dwelling units as a conditional use.
3. UCO §8.12.200(C) states that at a public hearing, the Planning Commission is to determine that the conditional use meets the following three tests and may apply site or development conditions, pursuant to UCO §8.12.200(D)(2), in order to ensure that the three tests are met.
 1. Furthers the goals and objectives of the Comprehensive Development Plan; and

2. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
3. Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

BACKGROUND

1. The structure which occupies these lots was the Elbow Room bar and then Latitudes Bar. On March 31, 2009, the property was conveyed by statutory warranty deed from Two Einsteins LLC (dba Latitudes) to Alexandria House, an Alaskan non-profit corporation. The property was sold to Jack Sternhagen on September 24, 2010 via quitclaim deed. Most recently, the property has been transferred back to Alexandria House via Quick Claim Deed.
2. On September 2, 2009, Alexandria House was denied a Conditional Use for interim emergency housing by the Planning Commission. The staff report finds that such a use was not compatible with the existing and planned land uses (Test 2), although the proposed use was found to be in keeping with the Comprehensive Plan (Test 1) and would not have a permanent negative impact substantially greater than anticipated from permitted development within the district (Test 3). Minutes from that meeting indicate that “a total of twenty-one (21) members of the public testified at the public hearing on the Conditional Use request from John Honan for Alexandria House: nine (9) in support and twelve (12) against the request. In addition, Suzi Golodoff delivered a petition against the Conditional Use with the following thirty-two (32) signatures, twenty-seven (27) of whom did not testify at the public hearing.”
3. On November 17, 2011, Jack Sternhagen was denied a conditional use permit allowing for one residential unit in the existing commercial structure. Although staff recommended approval, after considering public testimony and reviewing the situation, the Planning Commission stated that they did not have enough information to assure them that Test 2 and Test 3 had been fully satisfied. The minutes from this meeting indicate that Mr. Sternhagen was unable to attend and provide answers to Commissioner questions. Minutes also indicate that four (4) members of the public spoke at the public hearing, one (1) of whom was against, two (2) asked for clarification but did not clearly indicate their position, and one (1) spoke in favor.
4. In December 15, 2011 the Planning Commission reconsidered Mr. Sternhagen’s application because additional information was submitted that helped to clarify the original request. After hearing public testimony of two (one speaking in favor and one asking for a clarification) and discussing the matter, the Planning Commission voted in support of the conditional use permit that allowed for one residential unit upstairs and a commercial use downstairs, finding that it met all tests of code.
5. On November 8, 2012 the Planning Commission again considered the same request, which served as a form of extension of the original approval. The permit approved in 2011 was about to expire because construction had not yet begun, the applicant noting financial reasons. No member of the public spoke at the public hearing, and the Commission granted approval with minimal discussion. The property was approved for a conditional use permit for one residential unit, but it was never used, as it has remained vacant since then.
6. Once again, the expiration date of this conditional use approval is nearing because construction has not yet begun. The existing building is on all three lots and remains unused. The design makes it feasible to use the first floor as commercial space with the second floor as residential unit.
7. Since ownership has now transferred from Jack Sternhagen back to Alexandria House, it is that entity who is requesting a new conditional use permit, again serving as a sort of extension of the previous conditional use. This new applicant intends to replicate the previously approved conditional use permits and put the building to use with commercial and residential uses.
8. The commercial uses are allowed by right, without a conditional use permit, with the General Commercial zoning.
9. The surrounding area is residential in character with several mixed use buildings in keeping with the plan proposed as a part of this permit request.
10. The City’s Development Review Team has reviewed the application and, although not directly related to the Conditional Use Permit, encourages the applicant to consider relocating the main entrance, currently directly on Second Street, to a safer location as the development plans are finalized.

11. In response to the public notice posted and mailed to surrounding property owners, one member of the public has voiced concern about the request at the time this memo was drafted. The concern is centered the potential for the building to be used in more like what was originally proposed back in 2009. In response to this concern, staff has included a review of past actions associated with requested conditional use permits on this site in the staff report. Additionally, meeting minutes form the following meetings have been included in the meeting packet: September 2, 2009; November 17, 2011; December 15, 2011; and November 8, 2012.

FINDINGS

The purpose of the conditional use permit is to allow for a specific use to be examined on a case-by-case basis with consideration to the uniqueness of the situation and public testimony. The Planning Commission is to approve the request when it finds that the three-part test is satisfied. Staff finds that all three tests are met as follows.

1. The proposed development associated with this conditional use application furthers the objectives of the Comprehensive Plan by increasing the supply of housing and commercial space in the city.
2. The proposed development associated with this conditional use application is compatible with the surrounding land uses and neighborhood character, as most of the downtown area has similar mixed use buildings and other compatible residential structures.
3. In order to ensure that the proposed development associated with this conditional use application will not have any substantial negative impact on the community, the applicant is reminded that State Fire Marshall approval of this mixed use structure and building permit from City Department of Public Works shall be obtained prior to construction. This has been added as a condition of approval in Resolution 2013-22.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City's Developmental Review team, recommends that the Planning Commission approve the conditional use request with the associated condition of approval identified in Resolution 2013-22.

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2013-22**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A MIXED USE
STRUCTURE WITH A TOTAL OF ONE RESIDENTIAL UNIT ON LOTS 8, 9, AND 11, BLOCK 1, USS
1992, ALEUTIAN ISLANDS RECORDING DISTRICT, LOCATED AT 28 N SECOND STREET**

WHEREAS, UCO §8.12.200 sets forth the procedures for the taking action on a conditional use application; and

WHEREAS, Alexandria House, Inc. is the owner of Lots, 8, 9, and 11, Block 1, USS 1992 (03-07-215/03-07-217/03-07-219) and has authorized John Honan to make application on its behalf; and

WHEREAS, the subject property is zoned General Commercial; and

WHEREAS, the applicant has proposed to begin using the existing structure for one residential unit above first floor commercial space; 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 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 November 21, 2013 to consider this request and to hear testimony of the public, and

WHEREAS, the Planning Commission reviewed the application and finds that this conditional use request for five residential units satisfies the three part test set forth in UCO §8.12.200(C):

1. Furthers the goals and objectives of the Comprehensive Plan;
2. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
3. Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

THEREFORE BE IT RESOLVED, that the Planning Commission approves the conditional use for one residential unit on Lots 8, 9, and 11, Block 1, USS 1992 at 28 N Second Street with the following conditions of approval:

1. All conditions of the City of Unalaska Building Permit, including State Fire Marshall approval for a Mixed Use Structure, shall be addressed prior construction. Details of what is submitted to and approved by the State Fire Marshall shall be provided to the Department of Public Works as part of the Building Permit application.

This resolution approves the conditional use only as it applies to the specific site plan submitted with the application, shown in Attachment A, and becomes effective if there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.200(E).

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2013, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Chris Bobbitt, Chair

Erin Reinders, AICP, Secretary

Attachment A
Attachment to Resolution 2013-22

CODE STUDY

ADDRESS:
28 N 2ND STREET
UNALASKA

TOTAL LOT SIZE:
(COMBINED THE THREE LOTS) 6405 SF

ZONING: GENERAL COMMERCIAL DISTRICT

SETBACKS: 20' FRONT YARD (2ND STREET)
10' REAR YARD
10' SIDE YARD

EXISTING USE RESIDENTIAL
BUSINESS

MAX ALLOWABLE LOT COVERAGE 60% OR 3843 SF

ACTUAL BUILDABLE AREA 2,404 SF
EXISTING BUILDING 1,575 SF

MAX ALLOWABLE HEIGHT OF STRUCTURE 60 FEET

PARKING

BUILDING CODE ANALYSIS:
PER IBC 2009

302 USE AND OCCUPANCY CLASSIFICATION:

MIXED USE OCCUPANCY GROUP B AND GROUP R-3

B BAR 1000 SF

R3 RESIDENCE 1000SF

S03.1 GENERAL BUILDABLE HEIGHTS AND AREA LIMITS:

BASED ON D TYPE V-B CONSTRUCTION
ALLOWABLE 2 STORY AND 9000 SF
BASED ON R3 3 STORIES AND UNLIMITED

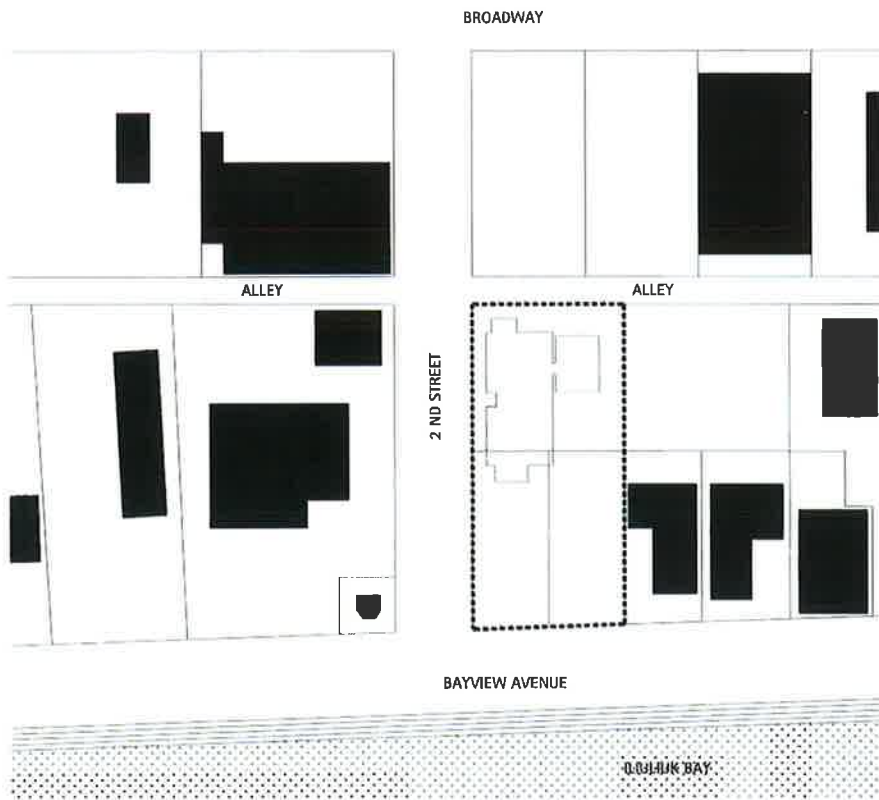
legend



allowable area to build



existing structures



alexandria house

code study

mayer suttler-smith
1104 w 7th avenue
anchorage, ak 99501
907.277.7878 fax 277.7869

REVISIONS

08.15.2013

1 site plan not to scale

A 0.1

APPLICATION FOR VARIANCE/CONDITIONAL USE
CITY OF UNALASKA, ALASKA

DATE: 10/29/13

FEE: 50.00

PERMIT NO.: _____

The undersigned hereby applies to the City of Unalaska for approval of the following as per Title Sections 8.12.200 UCO (Conditional Use) and 8.12.210 UCO (Variance).

Property Owner: Alexandria House Inc

Property Owner Address: 28 N 2nd, P.O. Box 820071 Dutch Harbor AK 99692

Street Address of Property: 28 N 2nd St, Unalaska, AK 99685

Applicant's Name: John Honan

Mailing Address: P.O. Box 29, Unalaska, AK 99685

Contact Name: John Honan

Home Phone: 907-359-2675 Work Phone: SAME

Request for : _____ Variance ☒ Conditional Use

Type of Request: _____ Residential _____ Commercial

Current Zone Designation: commercial

LEGAL DESCRIPTION: (Fill in applicable blanks)

Tax Lot ID No.: 03-07-217, 03-07-219, 03-07-215

Lot: 5, 9, 11 Block: 1 Tract: _____

Subdivision: _____ USS: 1992

Section(s): _____ Township: _____ Range: _____

Brief Description of Request: (attach additional information if necessary)

Previous owner Jack Sternhagen was approved for Residential single family conditional use. Jack quit claimed property deed to Alexandria House. Alexandria House will comply with conditional use.

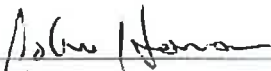
ATTACH SITE PLAN (TO SCALE): Please show all existing and proposed structures, access, dimensions and parking.

PLEASE NOTE: All applications must be received fifteen (15) days prior to the next regular meeting of the Planning Commission as per Section 8.12.200(A)(2) and Section 8.12.210(B)(2) UCO. The Department of Planning will provide an examination of the City of Unalaska Real Property Tax Roll indicating that the signature of the landowner on the application form is in fact the latest owner of record. The Department of Planning will mail a notice of the public hearing to all landowners of record within 300 feet of the proposed request as shown in the City of Unalaska Real Property Tax Rolls.

ANY MATERIALS YOU WISH THE PLANNING COMMISSION TO REVIEW DURING THE SCHEDULED PUBLIC HEARING MUST BE PROVIDED TO THE DEPARTMENT OF PLANNING ***ONE WEEK*** PRIOR TO THE PUBLIC HEARING DATE

CERTIFICATION:

I hereby certify that (I Am) (I have been authorized to act for) the owner of the property described above and that I desire a (variance/conditional use) for this property in conformance with the Title 8, UCO and hereby dispose and say that all of the above statements are true. I am familiar with the code requirements and certify that to the best of my knowledge, belief and professional ability, that this application meets them. I understand that payment of the (variance/conditional use) fee is non-refundable and is to cover costs associated with the processing of this application and that it does not assure approval of the request.



Signature

Date 10/30/13

CITY OF UNALASKA, ALASKA

"ATTACHMENT A"

AUTHORIZATION TO MAKE APPLICATION BY AGENT

I/WE Alexandria House Inc ARE THE OWNERS OF
(LEGAL DESCRIPTION OF PROPERTY)

LOT 8, 9, 11 BLOCK 1 SUBDIVISION _____

TRACT _____ USS 1992

SECTION(S) _____ TOWNSHIP _____ RANGE _____

LOCATED WITHIN THE CITY OF UNALASKA AND DO HEREBY AUTHORIZE

John Hovan (APPLICANT
NAME) TO MAKE APPLICATION AS MY/OUR AGENT FOR:

(MARK APPROPRIATE ☐ WITH AN "X")



CONDITIONAL USE



PLAT



VARIANCE



ZONE AMENDMENT

AND ACKNOWLEDGE THAT I/WE AM/ARE AS FULLY BOUND BY THE TERMS OUTLINE IN
TITLE 8, UCO FOR THE ACTION APPLIED FOR AS THOUGH I/WE HAD MADE APPLICATION FOR
SUCH ACTION MYSELF/OURSELVES.

John Hovan
(SIGNED)

John Hovan
(NAME)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30th DAY OF
October 20 13

Esther B. Pilande
NOTARY PUBLIC IN AND FOR Alaska

(SEAL)

MY COMMISSION EXPIRES: April 01, 2016



CODE STUDY

ADDRESS:
28 W 2ND STREET
UNALASKA

TOTAL LOT SIZE:
(COMBINED THE THREE LOTS) 6405 SF

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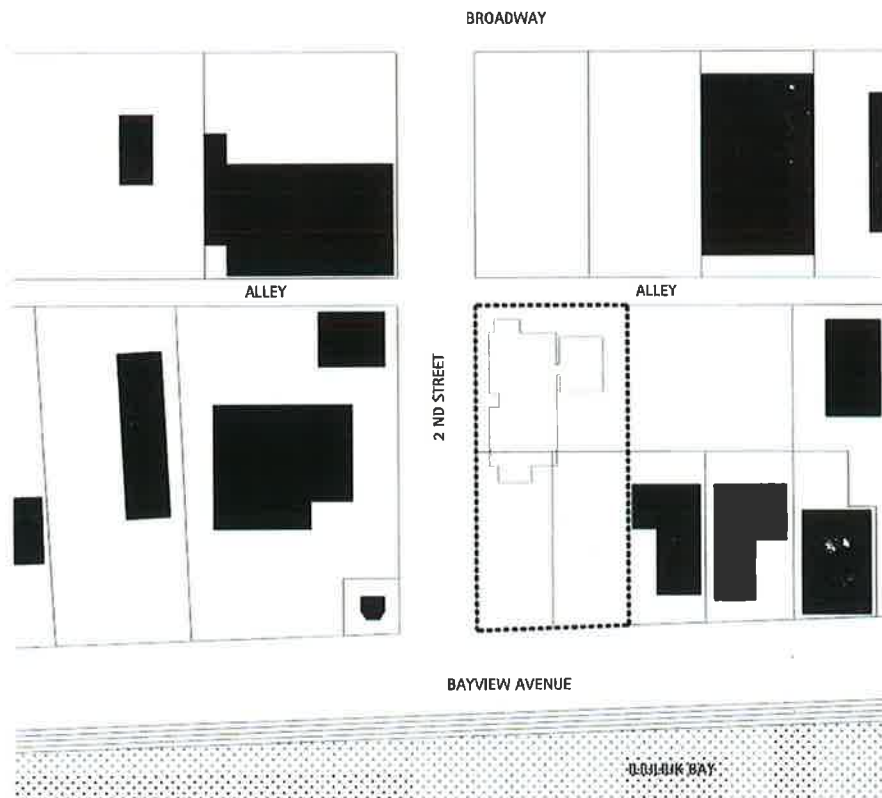
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rcvsgn13

code study

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mayer sattle-smith
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alexandria house

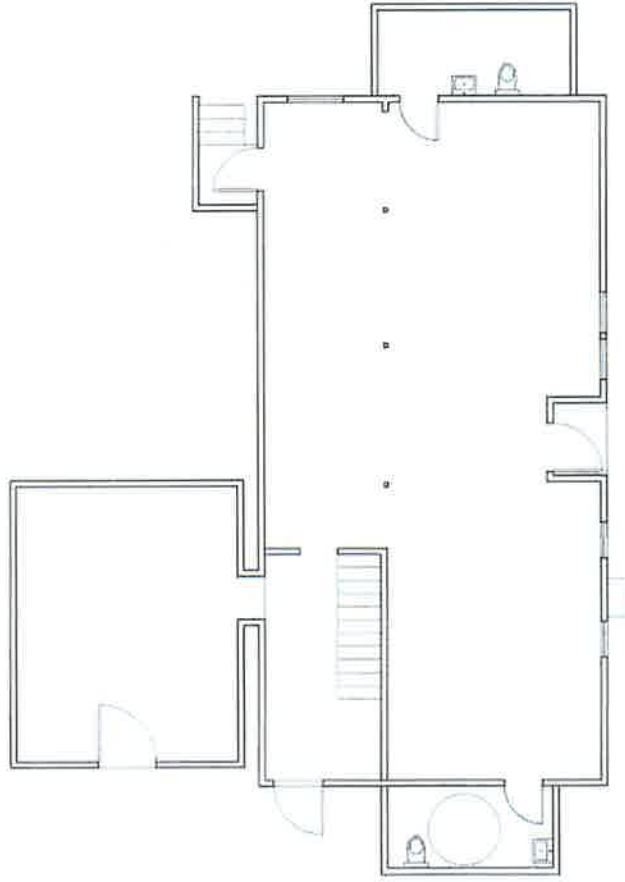
revisions

first floor plan - as build

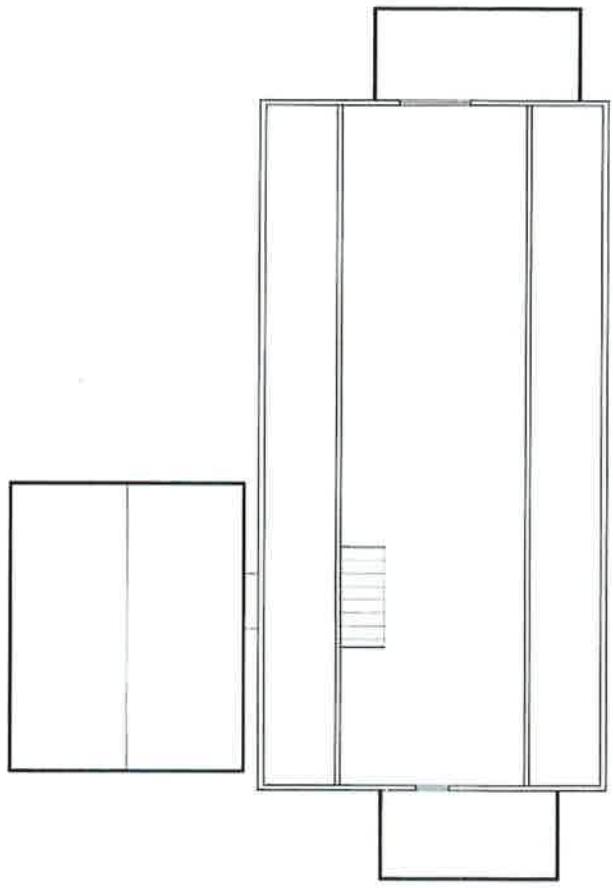
08 15 2013

1 first floor plan
1/8" = 1'-0"

A 1.1



08.15.2013



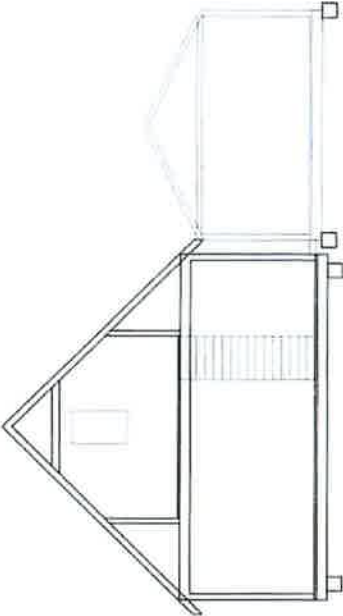
second floor plan - as build

revisions

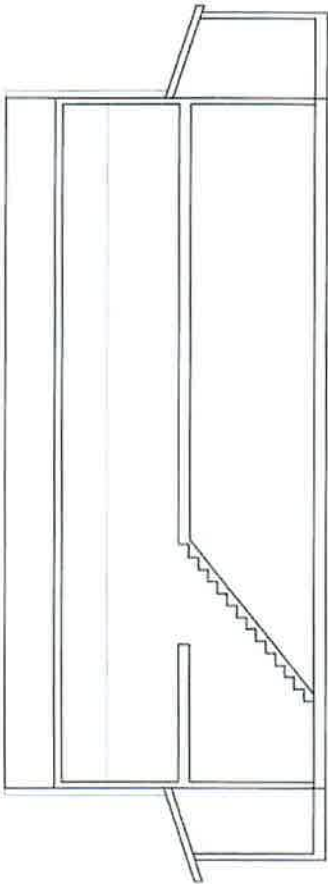
mayer satler-smith
1104 w 7th avenue
anchorage, ak 99501
907 277 7878 fax 277 7899

alexandria house

revisions



2 section
1/8" = 1'-0"



1 section
1/8" = 1'-0"

mayer satler-smith
1104 w 7th avenue
anchorage, ak 99501
907 277 7678 fax 277 7899

alexandria house

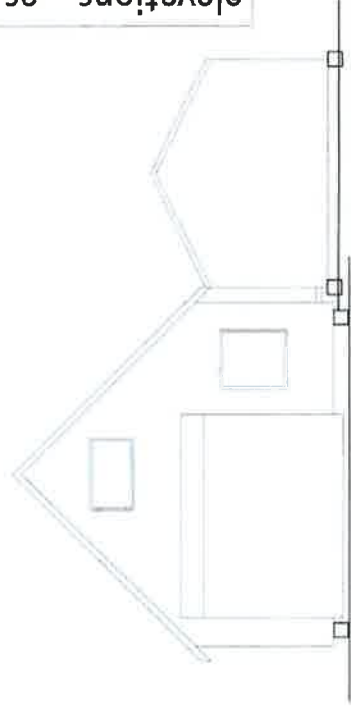
revisions

elevations - as build

08 15 2013

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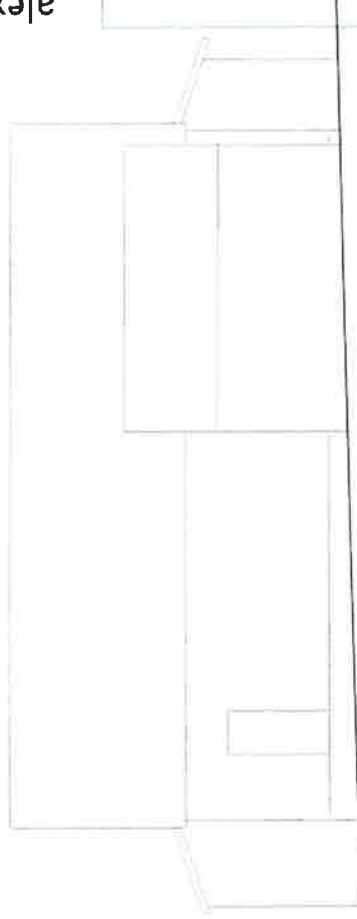
1 north-east elevation
 $\frac{1}{8"} = 1'-0"$



2 south-east elevation
 $\frac{1}{8"} = 1'-0"$



3 south-west elevation
 $\frac{1}{8"} = 1'-0"$



4 north-west elevation
 $\frac{1}{8"} = 1'-0"$

