

# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **E. NEW BUSINESS**

4. Hearing on Planning Commission's order to show cause why the ZipMart building, located at 38525 Swanson River road in the Sterling area, should not be condemned, and removal recommendation.

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-12**

**A RESOLUTION RECOMMENDING AN ASSEMBLY ORDER OF CONDEMNATION  
AND FOR REMOVAL OF A HAZARDOUS AND DANGEROUS BUILDING**

**WHEREAS,** Zipmart, owned and operated by Whittier Properties, Inc., was a vehicle fueling station business that began operations in 1985; and

**WHEREAS,** according to a report published by the State of Alaska's contractor that was engaged to monitor and perform remediation work at the Zipmart site, soil and groundwater was first discovered in 1995, then in 2001 an assessment found 13 inches of fuel in groundwater monitoring wells at the Zipmart property due to a break in the gasoline tank fill pipe which caused an estimated 53,000 gallons of fuel to be released to the environment; and

**WHEREAS,** in early 2002, the State of Alaska's Department of Environmental Conservation (ADEC) assumed management of cleanup activities related to the Zipmart site, soil, and groundwater contamination; and

**WHEREAS,** the Zipmart building recently collapsed which has created a hazard to public health, safety, and general welfare;

**WHEREAS,** the collapsed Zipmart building is a danger and attractive nuisance to the Sterling area youth and local residents; and

**WHEREAS,** during its regularly-scheduled meeting of May 8, 2023, the Planning Commission issued an order to show cause why the Zipmart building should not be condemned as a fire and health hazard and as a public nuisance and set this matter for public hearing during its June 12, 2023, regularly-scheduled meeting; and

**WHEREAS,** the Planning Commission held a public hearing as scheduled on this matter; and

**WHEREAS,** at the conclusion of the public hearing, the owner of the Zipmart building has not shown cause why the Zipmart building should not be condemned as a fire and health hazard, as a danger, and as a public nuisance; and

**WHEREAS,** at the conclusion of the public hearing and after considering all information presented at the public hearing, the Planning Commission has concluded the

Zipmart building should be condemned as a fire and health hazard, as a danger, and as a public nuisance; and

**WHEREAS,** it is in the best interests of the Borough to protect citizens against threats to public health, safety, and general welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the owner of the Zipmart building did not show cause why the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, should not be condemned as a fire and health hazard, and as a danger and public nuisance.

**SECTION 2.** That the information presented to the Planning Commission at its regularly-scheduled June 12, 2023, meeting demonstrates the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, is a fire and health hazard, as well as a danger and public nuisance and therefore should be condemned, demolished and removed.

**SECTION 3.** That a recommendation for an order of condemnation for the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, be sent to the Kenai Peninsula Borough Assembly.

**SECTION 4.** That a recommendation for demolition and removal of the Zipmart building be sent to the Kenai Peninsula Borough Assembly for its consideration.

**SECTION 5.** This resolution is effective immediately upon its adoption.

**ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 12th DAY OF JUNE, 2023.**

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Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

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Ann Shirnberg  
Administrative Assistant

Kenai Peninsula Borough  
Kenai Peninsula Borough School District  
Office of Risk Management

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**MEMORANDUM**

**TO:** Robert Ruffner, Director of Planning  
**FROM:** Teela King, Safety Manager  
**DATE:** May 01, 2023  
**RE:** Sterling ZipMart Building

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On April 30, 2023, Kenai Peninsula Borough Risk Management examined the building at the following address:

Physical Address: 38525 Swanson River Rd, Sterling AK 99672

Legal Address: T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0860094 STERLING HEIGHTS SUB ADDN NO 2 PART 4 AMENDED LOT 9-A BLK 3

Risk Management observed the building formerly known as ZipMart convenience store and gas station to be in irreparable collapse. The property is in close proximity to Sterling Elementary School, Sterling Community Center, Sterling Baptist Church, and residential properties.

Remnants of the building including conduit, signs, and insulation were found scattered throughout the property. Remaining walls are diverging dangerously outward. The inner and outer walls of the remaining structure are riddled with graffiti, indicating access before and/or after collapse. The rear door of the building was found open, also indicating access. Broken, uninstalled windows and miscellaneous building and supply materials stored near the rear access posed additional hazards.

Kenai Peninsula Borough Risk Management formerly recommends condemnation and removal of the collapsed building due to the hazards posed to the public by the current condition and accessibility of the building.