



Meeting Minutes Planning Commission

Tuesday, March 6, 2018

12:00 PM

Assembly Chambers

1. CALL TO ORDER:

2. ROLL CALL:

Present: 6 - Dave Kensinger, Otis Marsh, Yancey Nilsen, Chris Fry, Sally Dwyer and Richard Burke

Excused: 1 - Tor Benson

3. ACCEPTANCE OF AGENDA:

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, that the agenda be approved as submitted. The motion carried by a vote of

Yes: 6 - Vice Chair Kensinger, Commissioner Marsh, Commissioner Nilsen, Chairperson Fry, Commissioner Dwyer and Commissioner Burke

4. APPROVAL OF MINUTES:

Meeting minutes from February 6, 2018

Attachments: [Meeting Minutes 02.06.2018](#)

Minutes of the Planning Commission meeting of February 6, 2018 and February 20, 2018

Director Cabrera stated that under "Public Comments", line 4, at the February 6th meeting, what the Mayor was asking for was that information be disseminated and not "assimilated" to the public. And then also, under the Severson variance, to remove the portion where it states that the 35% lot limit would not be waived, as that was not included. So that needs to be struck from the motion.

A motion was made by Commissioner Sally Dwyer, seconded by Commissioner Dave Kensinger, that the minutes from the March 6th meeting be approved as amended. The motion carried by a vote of

Yes: 6 - Vice Chair Kensinger, Commissioner Marsh, Commissioner Nilsen, Chairperson Fry, Commissioner Dwyer and Commissioner Burke

5. PUBLIC COMMENTS:

None

6. CONSENT CALENDAR:

None

7. PUBLIC HEARING ITEMS:

St. Catherine's variance

Attachments: [St catherine ALL](#)

- A. An application from St. Catherine's of Siena Catholic Church for variances from the 10' side yard setback requirement and the 20' front yard setback requirement for the property located at 103 N Third Street (PID#:01-006-100). The variances would allow the applicant to construct an open-sided, roofed structure to protect the existing grotto 6.5' from the side yard property line and 2.5' from the front yard property line.

Marj Oines spoke on her own behalf in favor of this variance.

Don Koenigs spoke on behalf of St. Catherine's Catholic church offering to answer any questions the Commission may have, giving a history of why the grotto was placed where it is originally, stating that the property corner was on-site at the time and that it was stone structure and didn't require any application or there wasn't any concern, that he can recall, at the time of construction back in 2004. has come to his attention since then, looking at where the property lines are at, they have encroached the rock wall. When looking at the pictures or if you've been to the site, you'll see that there was fill placed on the property shortly after the 50' right-of-way was vacated, when a portion went to St. Catherine's and a portion went to the day care center with a 10' corridor allocated for public access for school children and the access is still there and the grotto is about 6.5' from that line. When the grotto was first planned, it was thought that since it's a stone structure that it would be pretty much impervious to the elements. It wasn't until weeks after it was completed that the mason that assisted with the construction told them they would need to apply a preservative from time to time to the structure to preserve it from the elements. If their request for the variance does not go through, they can continue to use the plastic covering on the structure but it doesn't get used as often as it could be if it had a structural cover. Koenigs gave descriptions of deterioration. Commissioner Dwyer asked Mr. Koenigs if the proposed roof would be going out about 28' and Mr. Koenigs responded in the affirmative. Dwyer asked if this plan would eliminate the parking lot. Mr. Koenigs described that the parking lot would not be removed and referred the Commission to the drawings he submitted. Discussion ensued regarding the rezoning procedures and future plans the Church has in the works. Commissioner Burke stated that he owns property nearby and doesn't see any problems with this request. Commissioner Kensinger suggested that the Catholic church and the Children's Center get together and go through the process of getting their properties rezoned to commercial which would alleviate all these issues. Discussion

Matthew Gerrits spoke on his own behalf in favor of the variance stating that the ground around the grotto is hard packed and allows for water shedding off the lot.

Commissioner Kensinger asked Director Cabrera why the Staff recommendation was to deny the application and the 20' front yard setback requirements and the 10' side yard setback requirements. Director Cabrera stated that they couldn't figure out where the church met the criteria for #1 so if the Commission is going to approve this, they will need to find something to fill in that #1 criteria. Commissioner Kensinger stated that due to the existing code, the Commission's hands are tied. Discussion.

Findings of Fact #1-

There are exceptional features of the property that need to be protected and the only way to do that is to construct a structure to protect it, noting the structure would be in the set back.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Yancey Nilsen, that the variance for St. Catherine's be approved. The motion carried by a vote of

Yes: 6 - Vice Chair Kensinger, Commissioner Marsh, Commissioner Nilsen, Chairperson Fry, Commissioner Dwyer and Commissioner Burke

B. Recommendation to Borough Assembly on Proposed Petersburg Development Code

Daniel Bird spoke on his own behalf asking about the "personal warehouse" and that it has no size specification. Has a size been determined yet? Commission Chair Fry stated that the warehouse size is addressed in the amendments which will be covered later during this meeting. Discussion.

John Murgas spoke on his own behalf asking if this meeting was a "work session" or if this is official. Commissioner Fry stated that this is the last meeting before the Commission sends it on to the Assembly. Mr. Murgas feels that this process is going too quickly and he is uncomfortable participating at the Assembly level and asked about the comments he submitted. Discussion.

David Griffin, Alaska Land Trust Office asked, by phone, if letters submitted by mail/email prior to the meeting are addressed during the meeting. Commissioner Kensinger read the letter from Mr. Griffin into the record, as well as the letter submitted by Aaron O'Quinn, also with the Trust Land Office. Director Cabrera stated that these letters and others were not included in the packet as they were received too late, but all comments are available to the Commission at this time. Commissioner Kensinger read both letters from the Alaska Land Office into the record. Mr. Griffin explained what the Alaska Land Trust Office is and that they are hoping to delay the implementation of the platting those lots until January 1, 2020 so the Trust can move forward on a couple of project where they'd be using the Dept. of Natural Resources on the mapping and plotting of the lots. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Dave Kensinger, to recommend for approval Proposed Development Code to the Assembly. The motion passed unanimously.

Proposed Code

Attachments: [1Proposed_Code](#)

Public Comments

Attachments: [3Public_Comments](#)

Exempt AMHT land exchange subdivisions from borough platting code until July 1, 2019.

Discussion

A motion was made by Dave Kensinger, seconded by Sally Dwyer, to exempt AMHT land exchange subdivisions from borough platting code until January 1, 2019. the motion passed unanimously.

Delay Borough platting authority over Trust Land Office subdivisions until Jan 1, 2020.

Commissioner Kensinger thinks this is a bad idea due to how this has worked out in the past.
Discussion.

A motion made by Richard Burke, seconded by Dave Kensinger, to delay Borough platting authority over Trust Land Office subdivisions until Jan 1, 2020. The motion failed unanimously.

Amendment AA: Adds language explaining organization of code and specifying what portions of the code are applied to different areas of the borough.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Dave Kensinger, to be approved as amended. The motion passed unanimously.

Amendment AB: Change "Hotels, motels and similar uses" to "Hotels, motels, lodges and similar uses"

Discussion on definition of "lodge" vs bed and breakfast, hotel and motels.

A motion was made by Commissioner Yancey Nilsen, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #1: Reduce minimum lot size for single-family residential (Rural Residential?) to .5 acres.

Discussion regarding lot size and allowing room for septic and future subdividing possibilities.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion failed unanimously.

Amendment #2: Maintain 10' side yard setback in Medium Density Residential

Kensinger feels that this is reasonable, particularly coming from Mr. Bunge for effectively fighting fires. Discussion

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion failed with Commissioners Nilsen, Dwyer and Burke voting against.

Amendment #3: Expand definition of artisanal use to include woodworking and welding. The use would still be limited to use that is blended with retail use, in other words, the manufactured products are destined for on-site retail sale.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed unanimously.

Amendment #4: Standards for residential dwellings in Main St. District.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed unanimously.

Amendment #5: Limit Home Occupation to 400 sf. Variance required to exceed.

Commissioner Burke would like this scaled with lot size. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion failed with Commissioners Kensinger, Marsh, Nilsen, Fry and Burke voting against.

Amendment #5A: Amend Home Occupation standards to delete prohibition of minor auto/boat repair, allow noise beyond property line if it is comparable to residential-level noise, and increases maximum allowable size based on lot size.

Commissioner Burke appreciated that this scales to lot size. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Yancey Nilsen to be approved as amended. The motion passed with Commissioner Kensinger against.

Amend Amendment #6: Amend to Lower minimum size of manufactured dwellings allowed on single-family lot from 1,000 sf to 650 sf. Amended to allow in Residential - Medium Density only.

Commissioner Burke doesn't like this for Medium Density residential. He feels it's okay for RL and RR districts. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to amend Amendment #6 to include "Medium Density Only". The motion passed unanimously.

Amendment #6: Amend to Lower minimum size of manufactured dwellings allowed on single-family lot from 1,000 sf to 650 sf. Amended to allow in Residential - Medium Density only.

Motion to amend Amendment #6: Amend to Lower minimum size of manufactured dwellings allowed on single-family lot from 1,000 sf to 650 sf. Amended to allow in Residential - **Medium Density only**.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to approve the amended Amendment #6 to allow "in Residential - Medium Density only". The motion passed unanimously.

Amendment #6A: Specifies Tiny House Dwellings may be constructed off-site.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #7: Allow detached ADU to be up to 40-80% of primary dwelling depending on lot size; but still cannot exceed 800 sf floor area.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #8: Increase caretaker dwelling from 650 sf to 750 sf. (Amend to consider increasing to 1,200 sf was discussed but not adopted.)

Commissioner Fry stated that he thought the 1200 was too large. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Dave Kensinger, to be approved as amended, striking the "(Amend to consider increasing to 1,200 sf was discussed but not adopted.)". The motion passed unanimously.

Amendment #9: Allow for Industrial Residence in General Industry district with restriction set by Planning Commission.

No motion was made.

Amendment #10: Standards for Accessory Structures in Residential Districts

Commissioner Burke stated that this amendment needs to exclude the Accessory Dwelling Units and it doesn't appear to do that. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion and second were withdrawn.

Amendment #10A: Sizes of Accessory Structures in Residential Districts. Amended to clarify that it does not apply to Accessory Dwelling Units.

Director Cabrera asked the Commission to include language to strike the "Accessory Dwellings" so that she can draft the code accordingly. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed unanimously.

Commission took a 5 minute break.

Commission back in session

Amend Amendment #11: Market Gardens in Commercial District to exclude marijuana cultivation.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Otis Marsh, to amend Amendment #11 to exclude marijuana cultivation. The motion passed with Commissioner Burke voting against.

Amendment #11: Market Gardens in Commercial District to exclude marijuana cultivation.

Discussion regarding marijuana cultivation.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to approve amended Amendment #11 to exclude marijuana cultivation. The motion passed unanimously.

Amendment #12: Market Gardens in Rural Residential District

Discussion on general use.

A motion was made by Commissioner Sally Dwyer, seconded by Commissioner Otis Marsh, to be approved as amended. The motion passed unanimously.

Amendment #13: Correct Flood Plain base elevations

A motion was made by Commission Dave Kensinger, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #14: Insert Historic District overlay map

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed unanimously.

Amendment #15: Insert Main St. District overlay map

A motion was made by Commissioner Yancey Nilsen, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #16: Insert Key for district on Allowable Use Tables

A motion was made by Commissioner Otis Marsh, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed unanimously.

Amendment #16A: Exempt Sing Lee Alley from Main St. awning standard.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion passed uanimously.

Amendment #17: Expand public notice requirement for Type II Administrative Review with Notice. Includes publication on borough web/newspaper

Director Cabrera explained that this is not in the current code and is a brand new type of public notice requirement. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed uanimously.

Amendment #18: Waive 4.3.040 Pre-Planning for Large Sites in General Industry District.

Motion failed for lack of a second.

Amendment #19: Accept title report from Alaska Department of Natural Resources and US Bureau of Land Management

Director Cabrera explained about the title report. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion passed unanimously.

Amendment #20: Amend valid dates for submission of Certificate to Plat from 90 to 28 for preliminary plat and 90 to 7 days for Final Plate

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Yancey Nilsen, to be approved as amended. The motion passed unanimously.

Amendment #21: Waive the requirement for 2' or 5' contour mapping for lots larger than 20 acres

A motion was made by Commissioner Yancey Nilsen, seconded by Commissioner Dave Kensinger, to be approved as amended. The motion passed unanimously.

Amendment #21A: Specify source of information for anadromous streams and lakes

Commissioner Marsh asked when this information would be required. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Dave Kensinger, to be approved as amended. The motion passed unanimously.

Amendment #22: Delete "Other information, as deemed necessary by the planning official for review of the application."

Commissioner Burke spoke on the "deemed necessary" portion of the language. Discussion.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion failed unanimously.

"Amendment #23: Waive requirements for public improvements on major subdivision in General Industry district."

No motion was made

Amendment #24: Extend time period to submit final plat for signatures from 60 days to 1 year.

A motion was made by Commissioner Sally Dwyer, seconded by Commissioner Otis Marsh, to be approved as amended. The motion passed unanimously.

Amendment #25: Delete requirement for Borough to review/sign Record of Survey prior to recording

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Richard Burke, to be approved as amended. The motion carried unanimously.

Amendment #26: Adjust Variance criteria

Director Cabrera gave an explanation of the difference between what the criteria currently is and what these changes would do. Discussion.

A motion was made by Commissioner Richard Burke, seconded by Commissioner Sally Dwyer, to be approved as amended. The motion carried unanimously.

Commissioner Fry asked if there were anything further that needed to be discussed; asking Director Cabrera if she had anything else. Cabrera stated that she is going to be doing some language housekeeping and after that, will be sending the updated/revised codes to the Borough attorney as well as an outside entity for clarity and to look for any potential unintentional consequences.

8. NON-AGENDA ITEMS:

A. Commissioner Comments

None

B. Staff Comments

None

9. ADJOURNMENT:

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Sally Dwyer, to adjourn. The motion passed unanimously.

Yes: 6 - Vice Chair Kensinger, Commissioner Marsh, Commissioner Nilsen, Chairperson Fry, Commissioner Dwyer and Commissioner Burke

The next regularly scheduled meeting is April 24th at 12:00 PM

Commission Chair, Chris Fry

Date