



Meeting Minutes Planning Commission

Tuesday, August 23, 2016

2:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Present: 4 - Chris Fry, Dave Kensinger, Otis Marsh and Richard Burke

By Phone: 1 - Harold D. Medalen

Excused: 1 - Yancey Nilsen

2. Approval of the previous meetings minutes

The motion to approve the previous meetings minutes passed unanimously.

Meeting minutes from June 20, 2016

Attachments: [Meeting Minutes 20-Jul-2016](#)

3. Amendment and approval of agenda

The motion to approve the agenda as presented passed unanimously.

4. Public Hearing

The motion to approve the opening of all the public meetings passed unanimously.

- a) Public hearing for an application from Richard Aho and Gail Herlick-Aho for a conditional use permit for a nethouse in a single-family residential district at 110 Cornelius Road (PID #: 01-031-612).

Richard Aho spoke on his own behalf. Aho explained why they would like to build this nethouse. Aho stated that they are looking to build on a different lot and sell this house. Unfortunately, they do not have enough room on the new property for all their fishing belongings and would like to store it on the existing property. Commissioner Kensinger asked what would happen to the nethouse should they sell this property. Aho explained that the nethouse is separated from the main house up the hill and could be sold separately. Discussion.

- b) Public hearing for an application from Bill Menish for a conditional use permit to allow a two-family dwelling in an industrial district at 710 South Nordic. (PID#: 01-010-061)

There were no comments on the Menish public hearing.

- c) Public hearing for an application from Raymond and Berthiel Evens for a minor subdivision at 405 Sandy Beach Rd. (PID#: 01-003-124)

There were no comments on the Evens public hearing.

- d) Public hearing for an application from the Petersburg Borough to vacate a portion of a public easement at 919 Sandy Beach Rd. (PID#: 01-014-125)

Commissioner Fry stated that he had received word that there was a request to postpone this agenda item. Director Cabrera stated that since this has been on the agenda for a while and people have expressed interest, it needs to be heard.

Tim Koeneman spoke on his own behalf stating that his property abuts this property and would like to know more about the easement.

Alan Murph, surveyor of this project, spoke to the easement concerns. Murph stated that he thinks that he and Koenemann are working towards the same end. He would like to file a quick claim for vacating the easement should there be one. Discussion. Cabrera asked Mr. Koeneman if he would have any issue with establishing a private easement for this property. Discussion.

- e) Public hearing for a Planning Commission initiated rezone from Public Use to Single-Family Residential at 919 Sandy Beach Rd. (PID#: 01-014-125)

Tim Koenemann spoke on his own behalf giving a history of his property and how he obtained it. It was not part of the land sale. Applied to purchase in 1977. The State contacted the City and notified them that Mr. Koenemann was interested in that property; however the City purchased it ahead of him. After Frederick Point Road began to be developed, that area was designated as a "green zone". Trees are already an issue and will be more problematic with development on that property.

- f) Public hearing for an application from Patrick Fowler for a home occupation at 707 Rambler St. (PID#: 01-011-558)

Patrick Fowler spoke on his own behalf to explain his intention with this home occupation application. Commissioner Kensinger asked about noise being an issue. Mr. Fowler agreed that that could be an issue but would be considerate of his neighbors and keep the work between the hours of 8-3:00. Inspector Bertagnoli asked what Fowler's intent is for that open carport, whether he would enclose. Fowler answered in the affirmative. Discussion.

The motion to adjourn all public meetings passed unanimously.

5. Visitors' views related to agenda items

None

6. Visitors' views unrelated to agenda items

None

7. Report of staff members

Director Cabrera followed up on a request from Dave Kensinger regarding a new subdivision ordinance. The Borough will be rewriting the zoning and use within subdivisions, including home occupation uses. Discussion.

Cabrera reported that there was nothing new on the airport property.

8. Unfinished Business

- a) Adoption of findings of fact for previous approval of a conditional use permit for use of a trailer during construction at 202 S Frederick Drive. (PID#: 01-021-310)

Director Cabrera explained that the Findings of Fact that the Commission voted on at the previous meeting was actually to deny and the Commission approved, hence requiring a corrected vote on the Findings of Fact. Commissioner Kensinger asked about wastewater and materials being stored on the property. Those issues are included. Discussion.

The motion to approve the Findings of Fact for the Whitney conditional use permit passed unanimously.

Whitney.FF

Attachments: [WhitneyFindings](#)

- b) Consideration of an application from Richard Aho and Gail Herlick-Aho for a conditional use permit for a nethouse in a single-family residential district at 110 Cornelius Road (PID #: 01-031-612).

Cabrera made note that the actual date of the meeting should reflect August 23, 2016 and not July 25, 2016. Commissioner Marsh asked if it would be feasible to move the structure further back on the property with a 20ft. setback. Inspector Bertagnoli stated that there should be plenty of room. Aho stated that he could certainly do that. Discussion.

The motion to approve the conditional use permit with the condition that the set back be 20' instead of 30'.

The motion to approve the Findings of Facts as submitted in the Staff Report, with the condition that the set back be 20' instead of 30', passed unanimously.

Aho.dox

Attachments: [Aho.dox](#)

- c) Consideration of an application from Bill Menish for a conditional use permit to allow a two-family dwelling in an industrial district at 710 South Nordic. (PID#: 01-010-061)

Director Cabrera reported that there has been a letter submitted by Olivia Olsen stating that she is not in opposition to this application as long as the possible approval for this use is on record should she want to develop her property, located nearby, in a like manner. Read into the record by Commissioner Burke. Commissioner Fry stated that this was discussed during the comprehensive plan review the that portion of the waterfront being of important industrial use. Inspector Bertagnoli asked if Mr. Menish had been contacted about this meeting today. Cabrera answered that he is out of town. Bertagnoli gave a history of the Menish building, stating that Menish came in saying that he wanted to build a warehouse and an apartment, which would be used as a "caretaker dwelling" which obviously, we wouldn't be here for that. Once the plans came in, his plans changed and all of a sudden it's a warehouse underneath, the "caretaker" dwelling above and then he added a small little apartment on the water side on the front. That's when things changed regarding having to get a conditional use permit. It was then that the structure became a warehouse and, basically, a duplex above, thus requiring this application. The building size did not change, but the use was changed. Discussion. Commissioner Kensinger asked that if Menish had not added that second apartment, he'd be fine with completing the structure according to existing zoning ordinances. Cabrera stated that it is acceptable to build a "caretaker" dwelling on industrially zoned property without a problem, which is what Menish stated he was originally going to do but now has added a second dwelling and that's where he needs a conditional use permit for that second dwelling. Discussion regarding the "caretaker dwelling" language. Discussion on the plans and sizes with comments regarding the difficulty in reading them. Marsh asked if the building was done. Bertagnoli stated that the building is up and framed but he is not sure if Menish has completed the additional apartment yet or not. Marsh stated that it sounded like it the commission was a couple of months behind, whereas Cabrera and Bertagnoli stated that it's actually the risk to the property owner to wait until he's built most of the building and then come in and get the permit with no guarantee that he's going to receive that permit. When Mr. Menish put the building permit plans in, he did not come forward and say that this is what he wanted to do, it was after the fact and that's when Bertagnoli told him that if the second dwelling was what he wanted to do, he'd need have to a the conditional use permit. It doesn't change that Menish will have the warehouse and a caretaker dwelling, what would change with this scenario is that he would have a tenant there along with his dwelling - a tenant or a B&B. Discussion of neighboring properties. Fry asked if there was any other testimonials other than the written comment from Ms. Olsen. Cabrera stated that she did run this by the Harbor Department and they didn't object, but they are obviously concerned about setting a precedent and when you have residential in an industrial area there can be issues. Harbormaster Glorianne Wollen wanted it to be clear that the drive-down dock is open 24/7 and Cabrera stated the same with the Cold Storage facility. Wollen also mentioned that it isn't necessarily the applicant or the person that built, it's the next person that wants to build that becomes problematic. Discussion. Marsh asked what the commissions options are. Bertagnoli stated that basically, if the commission approves it, it will go on; if the commission disapproves it, his department would have to do some sort of policing to see that Menish doesn't rent that apartment out. Cabrera asked if the apartment was done, whereas Bertagnoli stated that he doesn't think so. Discussion. Kensinger wanted to know what Menish was going to use the apartment for - a rental or a B&B. Cabrera report that Menish stated he plans to use it as both; either/or. Fry stated that the application states both. Both

Marsh and Medalen stated that they thought it was a done deal since it was close to completion. Medalen stated that he didn't have a problem with it as long as if neighboring property owners want to develop, like Olivia Olsen says, Menish doesn't come back and complain about it, then he doesn't have a problem with allowing it. Bertagnoli stated that that's the reason for having conditional use permits for putting residential in commercially zoned so that folks know what's going on in that industrial area. Discussion on complaints made, both past and present about commercial noise by residential occupants, both residential abutting industrial as well as industrial abutting industrial. Cabrera stated that just because someone has gone ahead and started doing something that they weren't necessarily supposed to do, in general, I don't think you should reward that or lean towards that since people will just start building whatever and wherever they want and get permission later with the expectation that the commission is going to grant that because they've already spent money on it. Cabrera stated that she doesn't think that's fair to the people who go about doing things the right way. Bertagnoli agreed. Bertagnoli also wanted to reiterate that when this project originally began, the apartment was not in it - it was just warehouse and caretaker dwelling. It was only later that Menish brought in plans, right during the Municipal Building personnel move, that Bertagnoli informed him that he would require a permit for the additional dwelling, so Menish was aware at that time of the permitting process. In the meantime, Menish continued construction, which was fine, but the use of the building would be subject to the conditional use permit outcome. Discussion. Kensinger asked for a reading of the actual ordinance of caretaker dwellings on industrially zoned property. The ordinance states one dwelling. Discussion on existing caretaker dwellings in the area. Fry asked if the commission was ready to vote. Marsh called for the question.

The motion made by Commissioner Otis Marsh, seconded by Commissioner Richard Burke, to approve the Conditional Use permit application from Bill Menish failed unanimously.

The Findings of Fact denying the application from Bill Menish for a conditional use permit to allow a two-family dwelling in an industrial district at 710 South Nordic. (PID#: 01-010-061) stating section 2 of the findings of fact, as submitted in the staff report; "The subject parcel and surrounding area are zoned industrial and actively in use as industrial areas. Dwellings, especially rentals or vacation rentals, are incompatible with industrial uses and not in keeping with current or intended future use of the area. Industrial property, especially waterfront industrial, is in limited supply in our community. The intended use should be preserved." was approved unanimously.

The

Menish.dox

Attachments: [Menish.dox](#)

- d) Consideration of an application from Raymond and Berthiel Evens for a minor subdivision at 405 Sandy Beach Rd. (PID#: 01-003-124)

Director Cabrera gave a history of the application. Applicant has a large lot and would like to subdivide in order to build a residence on the undeveloped portion of it. Cabrera's only condition would be to address the flood hazard. Surveyor Braun gave his opinion of this property. Discussion.

The motion to approve the minor subdivision with conditions passed unanimously.

The motion to approve the Findings of Fact on the application from Raymond and Berthiel Evens for a minor subdivision at 405 Sandy Beach Rd. (PID#: 01-003-124) accepting the staff submitted Findings of Fact, noting the updated meeting date to this date and with notations on the plat about flood hazard area passed unanimously.

Evens.dox

Attachments: [Evens.dox](#)

- e) Consideration of an application from the Petersburg Borough to vacate a portion of a public easement at 919 Sandy Beach Rd. (PID#: 01-014-125)

Commissioner Kensinger spoke on his concerns regarding this issue and the concerns of neighboring landowners. Kensinger spoke about his discussions with Ms. Kris Norosz and would like to enable the neighboring property owners the opportunity to be present and speak on it. Kensinger stated that he is still confused as to whether there is an easement to vacate or not. Detailed discussion regarding Koeneman lot size, ownership, easements as well as the public access area. Kensinger asked for clarification on the zoning verbiage. Discussion.

Commissioner Fry asked if the Commission could postpone a decision on future land use. Director Cabrera stated that there has been ample time for folks to come forward especially since there was not a Planning Commission meeting last month. Discussion.

The motion to postpone this agenda item passed unanimously.

PSG.VACATION

Attachments: [PSG.VACATION](#)

- f) Consideration of a rezone from Public Use to Single-Family Residential at 919 Sandy Beach Rd. (PID#: 01-014-125)

The motion to postpone this agenda item passed unanimously.

PSG.REZONE

Attachments: [PSG.REZONE](#)

- g) Consideration of an application from Patrick Fowler for a home occupation at 707 Rambler St. (PID#: 01-011-558)

Limited discussion with Inspector Bertagnoli asking about parking with Fowler answering that he's got enough parking for four vehicles. Cabrera stated that her staff report states similar conditions as have been set on recent conditional use permits.

The motion to approve the application passed unanimously.

The motion to approve the Findings of Fact as submitted in the staff report with conditions for PZ#16-196 Fowler.dox, including the meeting date change passed unanimously.

Fowler.dox

Attachments: [Fowler.dox](#)

9. New Business

- a) Acceptance and scheduling of a public hearing for an application from Rob and April O'Niell for a variance from the side yard setback requirement to allow enclosure of an existing deck 7' from the property line at 610 Sandy Beach Rd. (PID#: 01-003-200)

The motion to approve the scheduling of a public hearing passed unanimously.

O'Niell Variance

Attachments: [ONiell.variance.app](#)

- b) Acceptance and scheduling of a public hearing for an application from Amber and Forest Parsley for a conditional use permit to allow a trailer during construction in a rural residential district at 779 Mitkof Highway. (PID#: 01-174-480)

The motion to schedule the public hearing passed unanimously.

Parsley.CUP

Attachments: [Parsley.CUP.6.24.2016](#)

- c) Consideration of application from Kris Norosz to purchase borough-owned property at 919 Sandy Beach Road. (PID#: 01-014-125)

Commissioner Kensinger stated that this issue is tied into the previous agenda items discussed earlier. Cabrera stated that this could have action taken on it in order for it to be carried over to the next meeting. Discussion.

The motion to postpone this agenda item passed unanimously.

Norosz dox

Attachments: [K. Norosz Ap to Purchase Land](#)

- d) Scheduling of a public hearing for proposed pedestrian trail within the undeveloped right-of-way at Odin St. (between Queen St and Noseeum St.) and Pearl F. St. (between Lumber St. and Hogue Alley).

Director Cabrera reported that there is no application for this proposal, but felt it was noteworthy enough to have public input on this issue by going through the public hearing process with the mailings and public comment period. Discussion.

The motion to approve passed unanimously.

PIA proposed trail map

Attachments: [trail map](#)

10. Discussion items

- a) Reschedule future Planning Commissions to 3rd Monday of the Month.

Next meeting September 27th at 2:30pm and October 25th at 2:30pm are proposed as the next two meeting dates.

11. Adjournment

The motion to adjourn passed unanimously.