



## Meeting Minutes Planning Commission

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Tuesday, November 10, 2015

10:00 AM

Assembly Chambers

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### 1. Call To Order/Roll Call

**Present:** 6 - Chris Fry, Tom Stearns, Dave Kensinger, Otis Marsh, Richard Burke and Yancey Nilsen

### 2. Approval of the previous meetings minutes

*Approval of minutes from the October meeting was postponed due to minutes not being included in packet.*

Approval of minutes from the October meeting was postponed as none were present in the packet. Motion passed unanimously.

### 3. Amendment and approval of agenda

Motion to approve the agenda passed unanimously.

### 4. Public Hearing

- A. Public Hearing for a conditional use permit application from Gregg Townsend to operate a home occupation at 1314 Gjoa Street.

*Inspector Bertagnoli stated that Mr. Townsend needed to leave town unexpectedly for medical. Bertagnoli clarified some of the issues with application due to the lack of a map. There were three letters in opposition and one verbal response not opposed to this application. Director Cabrera stated there were no reasons according to the ordinance to deny this CUP. Discussion. Commissioner Kensinger requested that the Commission hear from the public. Ms. REXANNE STAFFORD spoke on her own behalf. Stafford began by reading her letter into the record. Stafford expressed concern about the issue of traffic in regards to all the children in the area and the precedence approval of this application could set. Ms. JESSICA KING spoke on her own behalf. King agreed with Stafford's concern regarding the presence of children and pedestrians in the area and the impact of traffic that could have. King also stated, that Townsend is not the sole owner of that property as it is a Tlingit-Haidi federally owned property. Kensinger asked about how ownership works with this ordinance. Discussion. Mr. WES ABBOTT spoke on his own behalf. Abbott is in opposed due to the quantity of children in the area and his concern over parking. Abbott stated that this is a residential area and should stay that way. Commissioner Nilsen asked how many home occupation businesses there are borough-wide. Discussion. Commissioner Fry asked the opposition if Townsend were to reduce his hours if they would still be opposed. All of whom stated they would be still be opposed as there is so much difficulty policing his actions.*

The motion to open the public hearing was passed unanimously.

Townsend Conditional Use Documents

**Attachments:** [1 Townsend.dox 11.10.2015](#)

Close of public hearing

**Motion to close the public hearing passed unanimously.**

- B. Public hearing to vacate a pedestrian easement from Paul & Mara Lutomski at 840 Mitkof Highway.

*Inspector Bertagnoli gave a history of this application. The Lutomski's are wanting this vacation of easement in order to file for a variance to install a cistern. Discussion. Ms. Mara Lutomski spoke on her own behalf requesting the application be approved as this route is overgrown and difficult to use. They are only looking to use 5' of the 20' easement. Discussion. Mr. Mike Bangs spoke on his own behalf. Bangs stated that he has property directly across from the easement. Bangs stated that his initial concern was regarding the State public access to install power, eventually. Bangs wants to insure that there would be access to this easement for those purposes in the future, but that after hearing this discussion, he would have no objections as long as the State has no plans to use the easement as a utility right-of-way. Mr. Mike Woodworth spoke on his own behalf. Woodworth stated that no one uses the public access due to inaccessibility from brush, trees and rocks hindering walking. Commissioner Fry asked if there may be another place to put the cistern. Lutomski stated that they could find another place, but the zoning makes it a hardship due to the shape of their lot. Discussion.*

**Motion to open the public hearing passed unanimously.**

Lutomski - Vacate a pedestrian access easement

**Attachments:** [1 Lutomski dox. 11.10.2015](#)

Close of public hearing

**Motion to close the public hearing passed unanimously.**

- C. Public hearing for a variance application from Charles Davis to construct a structure 10' from the side-yard property line at 310 Hungerford Hill Road.

*Inspector Bertagnoli gave a history of the property. The existing pole structure is 20' from the property line and zoned Industrial. Since the adjoining lot is zoned Residential, he must abide by the set-back for Residential. Mr. Davis is wanting to construct a 40'x40' structure in front of the existing carport and then extend the carport roof over to 10'. Which would make the total 92' for the structure. There were no responses to the letters send out to the property owners within 600'. Commissioner Marsh asked what the purpose is of having those set-backs. Due to this lot abutting a residential lot, Davis is restricted by the ordinance for residential being 20' setback rather than the 10' industrial. Discussion. Mr. Mara Lutomski spoke on her own behalf and expressed appreciation of Charles Davis cleaning up the lot. Lutomski asked if this request is for just this building or for the entire lot. Bertagnoli stated that this is just for this building. Lutomski requested that "mixed zoning" be limited due to the hardship that puts on all property owners. Mr. Charles Davis spoke on his own behalf. Davis stated that his intention for this structure is basically for personal use and that the 20' is excessive due to the narrowness of the lot. Davis also stated that this should not be a safety issue for any neighboring structures and corrected the height of the fence as being 12' instead of 10'. Davis gave a history of the original structure. Bertagnoli asked if the structure would have walls, Davis stated that it would be and that would add to the structure integrity. Commissioner Marsh stated that the drawings look like there are no overhangs. Davis stated that he would end up with about 4" overhangs. Discussion.*

**Motion to open the public hearing passed unanimously.**

Davis variance documents

Attachments:     [1 Davis dox. 11.10.2015](#)

Close of public hearing

**Motion to close the public hearing passed unanimously.**

**5. Visitors' views related to agenda items**

*None*

**6. Visitors' views unrelated to agenda items**

*Aaron Miller submitted a request for a Conditional Use Permit. Discussion. This has been added to "New Business" item "D".*

**7. Report of staff members**

*Director Cabrera reported that the contractors doing the Comprehensive Plan will be here at the Planning & Zoning meeting in December with the final draft.*

**8. Unfinished Business**

- A. Consideration of a conditional use permit application from Gregg Townsend to operate a home occupation at 1314 Gjoa Street.

*Commissioner Kensinger stated that he is in opposition to this application due to the strong opposition by the neighbors in response to this business. Commissioner Stearns expressed concern regarding the impact on the neighborhood. Nilsen expressed concern that they were unable to discuss this with the property owner. Discussion. Kensinger withdrew his motion due to unanimous agreement to postpone the decision; however, Kensinger wanted the Commission to know that since he won't be at the next meeting, he wants his feelings known that he is strongly against this application being approved due to the nature of the business in a residential area.*

**Motion to postpone the decision passed with Commissioner Kensinger opposing.**

- B. Consideration of an application to vacate a pedestrian easement from Paul & Mara Lutomski at 840 Mitkof Highway.

*Commissioner Kensinger stated that he would like to see that the property assignment as an easement be maintained and that the motion be modified to allow the Lutomski's be granted a 5' easement. Discussion.*

**Motion to recommend to approve to the Assembly the application to vacate the pedestrian easement to 5' for Paul & Mara Lutomski at 840 Mitkof Highway passed unanimously.**

- C. Consideration of a variance application from Charles Davis to construct a structure 10' from the side-yard property line at 310 Hungerford Hill Road.

*Commissioner Kensinger stated that since Mr. Davis has worked with his neighbors on this that he has no problem with approving this application. Commissioner Stearns asked if there would be any noise issue in the future. Discussion.*

*Findings of Facts were met: Structural/Physical Circumstances: Fill already in on that side and it's now a lot, it's a narrow lot; Strict Application/Practical Difficulties: Poor zoning because a mix of different uses limiting the Davis' from maximizing the use of the lot, no objections from the surrounding neighbors, there is a 12' screening fence and the structure will be on the back of the lot.*

**Motion to approve the application and the findings of facts passed unanimously.**

**9. New Business**

- A. Review of application from Hammer & Wikan, Inc. to purchase borough-owned property at 1200 Haugen Drive.

*Commissioner Marsh expressed confusion as to this property going up for public auction or if the Commission was recommending the sale to Hammer & Wikan. Director Cabrera explained the process of the Commission recommending approval of the sale of the property and the Assembly will determine to whom to sell it to with the caveat that the pedestrian path and the utility easement be maintained. Discussion.*

**Motion to recommend to approve to the Assembly the sale of the greenbelt lot as long as there is an easement for public utilities and the pedestrian access trail either be rerouted or maintained passed unanimously.**

H&W dox

**Attachments:**     [1 H&W dox. 11.10.2015](#)

- B. Initiation of a zoning change at 205 S. 3rd Street from Public Use to Single-Family Mobile Home.

*Director Cabrera explained how a rezone may be submitted. Cabrera stated that the Borough has no interest in keeping this piece of property and has no objection to selling this as they submitted this request. Discussion.*

**The motion to accept the application for re-zone passed unanimously.**

Rezone initiation request

**Attachments:**     [Rezone\\_initiation\\_request\\_i](#)

- C. Acceptance and scheduling of a special use permit application from Aaron and Jodi Severson to construct a driveway in the Noseeum Street ROW at the intersection of Pearl F.

*Director Cabrera gave a history of the area. Discussion.*

**Motion to approve the scheduling of the Severson special use permit passed unanimously.**

Severson SUP

**Attachments:**     [Severson SUP](#)

- D. Acceptance and scheduling of a CUP for Aaron and Katrina Miller to construct a roof over two containers on their property located at 107 Arness Heights Road.

*Commissioner Kensinger asked for an explanation of this application since the Commission has not had an opportunity to review it; Inspector Bertagnoli gave the history of the lot and that the Miller's are now hoping to use existing containers, put a roof between them and use that for storage. Discussion. Miller explained that their goals are in getting this property either rezoned or put a roof on the containers so they can use them for storage. Discussion.*

**Motion to approve scheduling the CUP for Aaron & Katrina Miller passed unanimously.**

Aaron & Katrina Miller CUP

**Attachments:**     [Miller CUP 12.2015](#)

## **10. Discussion items**

*Discussion of scheduling the next meeting. Director Cabrera directed the Commission that they would not be able to reschedule it. Commissioner Kensinger will not be in town. All other Commissioners indicated they would be present. Next meeting scheduled for Tuesday, December 8, 2015 at 10:00am.*

## **11. Adjournment**

**Motion to adjourn passed unanimously.**