

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

11/8/2022

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:16 p.m., Tuesday, November 8, 2022, by Chair Sharli Arntzen and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

PRESENT: Jacquie Meck, Michael Martin, Sharli Arntzen, and Jos Govaars

ABSENT: Michael Medford and Joseph Mainardi

STAFF PRESENT: Director Richard Harney, Planner Jonathan Lappin, Planner Alethea Johnson, and Platting/ Zoning Clerk Jeremy Weber

PRESENTATION OF MINUTES – Meeting Minutes of October 25, 2022

M/S Meck/Martin to approve the Meeting Minutes of October 25, 2022 as presented.

Upon roll call the vote on the MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

SPECIAL ORDERS – None

CORRESPONDENCE – Chair Arntzen acknowledged the following correspondence items on the table:

1. Drawings of Tongass Avenue related to the local concurrence from the State of Alaska Department of Transportation.

PERSONS TO BE HEARD – None

UNFINISHED BUSINESS/ PUBLIC HEARINGS - None

NEW BUSINESS/PUBLIC HEARINGS

Sharli Arntzen described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. She then read the agenda published on November 4, 2022, into the record.

Case 22-063 is a request for a major variance to allow an existing deck to remain and encroach into the rear and side yard setbacks, and to allow the construction of a new deck that further encroaches into the rear and side yard setbacks on Lot 2-P, Block 13, USS 1378, KRD; located at 2033 Second Avenue, City of Ketchikan. (Resolution 4393)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant sought to replace and expand the existing deck to create more outdoor recreational space on the sunny side of the residence adjacent to the main living area.

Applicant Larry Pullin was in attendance telephonically.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Govaars/Martin to adopt Resolution 4393 A

Planner Johnson stated for Commissioner Martin that an email from the City of Ketchikan Public Works Department attached to the case requested an easement for a private sewer. However, the City of Ketchikan relayed to staff after the email was sent that they would not require the sewer easement.

Upon roll call the vote on Resolution 4393 A was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

Case 22-065 is a request to rezone a request to Rezone Lot1, U,S, Survey 3767, Lots 1 and 2 of the Bonfire Bay Replat, and Lot 1B, Plat 2011-43 by modifying the Planned Unit Development (PUD) Master plan; located at 15639 North Tongass, Ketchikan Gateway Borough. (Resolution 4395)

Planner Lappin summarized the written staff report, in which staff recommended approval.

- The applicant sought to modify a Planned Unit Development (PUD) granted by the Borough Assembly through the adoption of Ordinance 1929.
- The proposed changes did the following: Relocate "Area C" from its present location in front of Lot 2 of the Bonfire Bay Replat approximately 250 feet to the southwest so it aligns with the lot lines of Lot 1 of the Bonfire Bay Replat. Add accessory uses to mariculture to be offices, maintenance and storage facilities, dormitories, and bunkhouses for up to 25 employees and watchman or caretaker's quarters to the uses allowed in "Area C"
- Eliminate mobile buildings as an allowed use in "Area A".

- The purpose for relocating “Area C” was to allow for the movement of the existing oyster farm to a more suitable location that was closer to road access and employee parking.

Planner Lappin stated for Commissioner Govaars that the maximum number of 25 quarters in the bunk house was the maximum that the applicant wanted.

Planner Lappin confirmed that density related to bunkhouses is different than residential development since the bunkhouses were typically built where the individuals work. He further stated that the parking requirement for bunkhouses was one parking space per room.

Planner Lappin iterated that the air stream trailers were removed from the previous plan, but the applicant wanted to leave the option for a tree house in the current plan.

Applicant Trevor Sandy was not in attendance.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Martin/Meck to adopt Resolution 4395 A

Commissioner Govaars expressed concern about enforcement for limiting 25 employees in the bunkhouse since enforcement was complaint based.

Planner Lappin stated that the applicant could choose to violate a permit for employee housing and use it as a hotel; however, it was likely that they would be caught by enforcement due to the excess traffic.

Upon roll call the vote on the MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

Case 22-067 is a request to rezone Lot 2N-1, USS 1378 according to the Purschwitz-Toole Replat from a mixed zoning of High-Density Residential and Medium-Density Residential to Medium-Density Residential; located at 2111 Second Avenue, City of Ketchikan. (Resolution 4397)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant recently filed a plat application that would cause their property to be located into two different residential zones.
- The purpose of the rezone was to clarify the zoning designation and development standards for the new lot after the plat was recorded.

Applicant Michael Toole was available by phone if needed.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Govaars/Martin to adopt Resolution 4397 A

Upon roll call the vote on the MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

Case 22-068 is a request for a major variance to allow an existing residence to remain and encroach into the front yard setback and to allow a detached accessory garage to be constructed and encroach into the side yard setback on Lot 68A3, USS 3020, according to Plat 80-55; located at 85 Phillips Lane, Ketchikan Gateway Borough. (Resolution 4398)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant sought a variance to build a new detached garage in alignment with the residence.
- The purpose of the variance was to allow sufficient room in the yard for a turning radius for vehicles parked in the garage.

Applicant Cindy Covault-Montgomery was present to answer questions.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Martin/Govaars to adopt Resolution 4398

Upon roll call the vote on MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

Case 22-069 is a request for a major variance to allow a residence and attached deck to be constructed and encroach into the side yard setback on Lot 119, USS 1627, Seawatch Subdivision Plat 95-32; located at the 300 Block of Icehouse Lane, Ketchikan Gateway Borough. (Resolution 4399)

Commissioner Govaars disclosed that he lived two houses down from the subject lot and had encouraged the applicant to investigate a variance due to the topographical constraints. It was found that there was no conflict of interest.

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant sought a variance to utilize the bedrock surface in the rear of the lot for construction of a new residence with attached accessory deck.

Applicant Christopher Baldwin was present and stated that when they bought the property, they were unaware that the rock knob in the rear of lot dropped off so quickly into deep muskeg.

Mr. Baldwin stated that he probed the lot with rebar when they found the rock in the rear of the property.

Mr. Baldwin stated for Chair Arntzen that the proposed encroaching deck was on the second floor and the reason for building it on the side of the house was so the deck did not block the sun exposure to rooms in the front of the house.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Govaars/Martin to adopt Resolution 4399

Upon roll call the vote on MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

Case 22-070 is a request to vacate 1,950 square feet of Hunt Street right-of-way abutting Block 8A, U.S. Survey 1296, according to Plat No. 87-48, Ketchikan Recording District; located behind Alaskan and Proud (A&P) Market at the intersection of Hunt Street and Heneghan Street, City of Ketchikan. Filed by Family Village LLC and Williams Inc. on October 17, 2022. (Resolution 4400)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- A portion of the right-of-way was being utilized for refrigeration units at the rear of the A&P grocery store.
- The applicants sought to vacate that portion of the right-of-way encompassing the units and combine it with the A&P lot.
- The remaining platted right-of-way would continue to provide access to abutting lots on the other side of the street.

Chair Arntzen stated for the record that her husband's family owned the neighboring property. It was found that there was no conflict of interest.

Planner Johnson stated for Commissioners Govaars that Lot 1A and 13 derived access from the right-of-way; however, the vacation would not affect their travel way.

Representative for applicant Family Village LLC Ben Williams was present. Mr. Williams did not own the property when the building was remodeled and was not sure how or why the refrigeration unit were placed in the right-of-way. He discovered the problem after assuming control of the business and reviewing the GIS. Following his investigation, he was advised by the Public Works Director of the City of Ketchikan to contact the Borough Planning Department and request a vacation of right-of-way.

Mr. Williams repeated for Commissioner Govaars that he was not involved when the store was remodeled and became aware of the issue after he had purchased the business.

Mr. Williams stated for Chair Arntzen that the applicant had explored the possibility of vacating the whole width of the right-of-way; however, it might have become an issue for the neighboring parcels if the ownership ever changed.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Martin/Meck to adopt Resolution 4400 A

Commissioner Govaars took issue with approving a vacation after the units had been placed.

Chair Arntzen observed that the applicant was asking for forgiveness after the fact; however, the applicant was not party to the placement of the refrigeration units and was not trying to hide the fact.

Commissioner Martin compared the issue at hand to a variance granted for a large deck that might encroach into a setback. He said he would be hesitant to deny the request since the applicant did not create the problem.

Commissioner Meck did not feel that the vacation would impede any neighboring property owners' access and really didn't have an issue with the request.

Director Harney stated the subject lot used to be numerous residential lots with a right-of-way going down the middle and that the right-of-way was vacated many years ago. He went on to explained that if the platting action failed, the applicant could request an encroachment permit from the city but the problem would be that that permit could be revoked at any time by the City Council.

Mark Hilson, Public Works Director for the City of Ketchikan reiterated that an encroachment permit would not resolve the issue and informed that the Public Works Department had no intention of taking any action if the request failed. He further stated that since the property was acquired through abandonment, they could not charge the

owners for the real estate involved in the platting action.

M/S Govaars/Martin to amend the resolution to change condition 3 to read: A public utility easement shall be submitted with the Mylar to be recorded concurrently with the plat.

YES: Govaars, Meck, Martin, and Arntzen

Upon roll call the vote on MOTION to approve Resolution 4400 A - Amended

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

A fifteen-minute break was taken.

CONSENT AGENDA

Request for a final plat of the Purschwitz-Toole Replat creating two lots from Lots 2N, 10B and 10C, U.S. Survey 1378 (Case 22-015)

Request for a final plat of the Trust Land Survey 2022-3 Berry Patch Subdivision to create 25 lots from lots 96 and 123B, U.S. Survey 3157, Ketchikan Recording District; located at the 100 Block of Bunchberry Lane and the 900 Block of South Point Higgins Road, Ketchikan Gateway Borough (Case 22-056)

M/S Martin/Govaars to adopt the consent agenda

Upon roll call the vote on MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

REGULAR BUSINESS

Local Concurrence on Paving Restriping and other maintenance on Tongass Avenue.

Public Works Director for the City of Ketchikan stated that the City overall approved of the project and the DOT had made several changes to remove pedestrian refuge islands and maintain a cross walk at the intersection of Madison and Tongass. However the major issue identified by the city include the elimination of 10 parking space near the hospital. He explained that over the years the City and Borough have heard numerous complaints from residents regarding the lack of parking near the hospital.

M/S Martin/Meck to postpone the concurrence to December 13, 2022

Upon roll call the vote on MOTION was:

YES: Govaars, Meck, Martin, and Arntzen

MOTION DECLARED CARRIED

REMARKS

DIRECTOR'S REPORT

COMMISSIONERS' COMMENTS

Commissioner Govaars appreciated that the state was willing to spend money in Ketchikan.

Chair Arntzen requested a work session on pecuniary hardship. In addition, she said she would like to see the history with the A & P case and how the refrigeration units came to be placed in their current location.

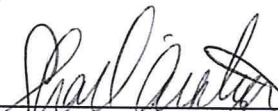
ADJOURNMENT

M/S Martin/Govaars moved to adjourn.

With no objection, the meeting adjourned at 8:38 p.m.



Jeremy Weber, Platting/ Zoning Clerk
Planning Commission/Platting Board



Shelli Arntzen, Chair
Planning Commission/Platting Board -