

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

4/12/2022

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, April 12, 2022, by Chair Sharli Arntzen, and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

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

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

PRESENTATION OF MINUTES - Meeting Minutes of February 8, 2022

M/S Mainardi/Martin to approve the Meeting Minutes of February 8, 2022 as presented.

Upon roll call the vote on the MOTION was:

Commissioner Mainardi mentioned several errors in the Minutes that were addressed by the Clerk.

YES: Arntzen, Govaars, Medford, Mainardi, Martin, and Meck

MOTION DECLARED CARRIED

SPECIAL ORDERS

An Oath of Office was completed by Michael Martin.

Planning Commission Appointments for Chair and Vice-Chair:

M/S Meck/Arntzen to approve Sharli Arntzen as Planning Commission Chair.

Sharli Arntzen was approved as Planning Commission Chair by unanimous consent of the Commission.

M/S Meck/Medford moved to approve Jos Govaars as Planning Commission Vice-Chair.

Jos Govaars was approved as Planning Commission Vice-Chair by unanimous consent of the Commission.

Michael Medford was appointed to Code and Planning Committee by unanimous consent of the Commission.

Michael Martin was appointed to Code and Planning Committee by unanimous consent of the Commission.

Michael Martin was appointed to the City of Ketchikan Historic Commission

Joseph Mainardi was appointed to the Creek Street Historic District Board

MOTION DECLARED CARRIED

CORRESPONDENCE

1. Correspondence from Tom Ferry opposed to Cased 22-011
2. Correspondence from John & Jennifer Holstrom opposed to Case 22-014
3. Correspondence from Deborah Hayden in favor of Case 22-024

PERSONS TO BE HEARD - None

UNFINISHED BUSINESS/ PUBLIC HEARINGS - None

NEW BUSINESS/PUBLIC HEARINGS

Chair Arntzen described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. She then read the agenda published on April 8, 2022 into the record.

Case 22-011 is a request for perpetual conditional use permit with a major variance to allow an accessory dwelling use without providing the required off-street parking space; and a major variance to allow the structure to encroach into required rear yard setback on Lot 7-B, Block 3, USS 1378, KRD; located at 1500 Water Street, City of Ketchikan.(Resolution 4349 A)

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

- The applicant proposes to add to the housing stock by building an accessory dwelling on the property. However, a parking variance will be required because there is no roaded access to the lot.
- The applicant also requests a variance to setback requirements, due to topographical constraints.

Planner Johnson stated for Commissioner Medford that the parking variance is tied to the conditional use permit for a detached accessory dwelling. Many of the other houses on Water Street currently have accessible parking on the street; however, the subject property fronts a walk way that leads down to Water Street.

The applicant Jeremy Hamberger was in attendance. Mr. Hamberger stated for Commissioner Govaars that he was under the understanding that trailers were not allowed to park on Water Street.

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

M/S Mainardi/Meck to adopt Resolution 4349A.

Planner Johnson stated for Chair Arntzen that the City of Ketchikan establishes rules for parking on Water Street. She also iterated that houses located on walkways are addressed through the parking variance process.

Director Harney stated that the Commission could draft a letter in support of a parking district for houses located on walkways and Water Street.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Medford, Martin, Mainardi and Meck

MOTION DECLARED CARRIED

Case 22-012 is a request for a major variance to allow a roof to be constructed over a skate park and encroach into the side yard setback on Lot 1 of the Ketchikan Creek Parcels Subdivision according to plat 2013-23; located at 1101 Park Avenue, City of Ketchikan.(Resolution 4351 A)

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

- The purpose of the variance is to allow a roof to be built on existing foundation pillars, which were installed by a previous owner.
- One of the existing pillars is located within the north side yard setback.

Planner Johnson stated for Chair Arntzen that State and Federal agencies have jurisdiction over development near waterways.

The applicant Representing the Ketchikan Gateway Borough was in attendance.

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

M/S Medford/Mainardi to adopt resolution 4351A approving the Major Variance.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-013 is a request for major variance to allow an existing detached accessory shed to remain and encroach into the front and side yard setbacks on Lot 3A, Block 16, USS 437, KR D; located at 364 Edmonds Street, City of Ketchikan.(Resolution 4352 A)

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

- The structure was originally built in 1993 and is used as a garden tool shed on the front deck detached to the principal residence.
- It also provides a screen of privacy from the adjoining property and from the adjacent public parking lot.
- The applicant discovered the need for the variance for the structure when they applied to alter their property boundaries.

Planner Johnson clarified for Chair Arntzen that an after the fact fee was paid by the applicant.

The applicant Erik Christianson was in attendance and had built the shed during the COVID pandemic.

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

M/S Medford/Govaars to adopt resolution 4352A.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-014 is a request for parking variance to allow a two-family dwelling use without providing the required off-street parking space for the second dwelling on Lot 3A, Block 16, USS 437, KR D; located at 364 Edmonds Street, City of Ketchikan.(Resolution 4353 A)

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

- The original single-family dwelling is exempt from the off-street parking requirement because it was built prior to adoption of the zoning code.
- The applicant seeks a zoning permit for a second dwelling within the structure and requests a variance to the parking requirement due to topographical constraints on the property.

Planner Johnson stated for Chair Arntzen that the substandard lot was standardized by the approved preliminary plat and this variance was conditioned on the recordation of that plat.

Planner Johnson clarified for Commissioner Mainardi that there are currently several other properties in the area that have zero off street parking.

The applicant Erik Christianson was in attendance. He stated that the apartment was designed as a mother-in-law apartment with indoor access to the other unit; however he was not aware of these rules when he had the second unit was constructed.

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

M/S Marin/Medford to adopt resolution 4353A:

Planner Johnson stated for Chair Arntzen that the after the fact fee was paid.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-015 is a request for a preliminary plat to create two lots from Lots 2N, 10B and 10C, U.S. Survey 1378, with major variances to allow existing structures to remain and encroach into front, side and rear yard setbacks, located at 2111 Second Avenue and 2104 First Avenue, City of Ketchikan; filed by Michael and Carmen Toole and Mary Ellen Purschwitz on March 4, 2022.(Resolution 4354 A, 4355 A, and 4356 A)

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

- The purpose of the plat is to transfer ownership of portions of Lots 10B and 10C to the owners of Lot 2N and legalize a land transfer that was attempted by a previous owner without approval by the platting authority.
- The portions being transferred encompass an existing deck that was built over the lot lines by a previous owner.
- Major variances are required to allow three existing decks and one residence to remain and encroach into the required setbacks of the lots created by the plat.

The applicants Michael & Carmen Toole and Mary Ellen Purschwitz were not in attendance.

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

M/S Medford/ Meck to adopt resolution 4354A approving the preliminary plat:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

M/S Medford/Mainardi to adopt resolution 4355A approving the Purschwitz variance:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

M/S Medford/Mainardi to adopt resolution 4356A approving the Toole's variance:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-017 is a request for a major variance to allow an existing detached garage to remain and encroach into the southern side yard setback on Lot 17D-1, USS 2604, KRDI; located at 10773 North Tongass Highway, Ketchikan Gateway Borough.(Resolution 4357A)

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

- The detached garage was built by a previous owner.
- The encroachment was discovered when the applicant submitted a platting application to consolidate their two adjoining lots.

Planner Johnson stated the old as built was submitted with the application.

The applicant Randolph Scott was available telephonically.

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

M/S Martin/Meck to adopt resolution 4357A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-018 is a request for a major variance to allow an addition to an existing residence

to be constructed and encroach into the required front yard setback on Lot 7, Block 10, USS 437, KRD; located at 420 Front Street, City of Ketchikan.(Resolution 4358 A)

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

- The applicant seeks to build an enclosed covered porch over an existing recreational deck that is located on the sunny side of the residence.

Planner Johnson stated for Commissioner Mainardi that the current structure was exempt because it was built prior to the adoption of the zoning code.

The applicant's Eric Riemer was in attendance. He stated for Chair Arntzen that the project was the minimum needed and allowed for five feet between the entry way and the sidewalk.

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

M/S Mainardi Martin to adopt resolution 4358A:

M/S Arntzen/Martin to amend resolution 4358A to include: to allow an addition to be constructed and encroach 6.5 feet in the required 10 foot front yard setback

Upon roll call the vote on the MOTION for the amendment to resolution 4358A was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

Upon roll call the vote on the MOTION for resolution 4358A as amended was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-019 is a request for a major variance to allow a residence with attached garage to remain and encroach into the front yard setback on Lot 60, USS 3153, KRD; located at 12507 North Tongass Highway, Ketchikan Gateway Borough.(Resolution 4359 A)

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

- The garage was originally built by North Tongass Volunteer Fire Department for use as a fire hall. It was later vacated by the fire department and the property was sold.

- The applicant discovered the encroachment after purchasing the property and submitting a zoning permit application to build an apartment on the second story of the garage.

The applicant Tracy Enright was not available telephonically for questions.

Planner Johnson stated for Chair Arntzen that if the structure was destroyed a new structure would have to be constructed within setbacks.

Planner Johnson stated for Commissioner Govaars that the applicants wanted to add a unit to the Ketchikan housing stock and start their project in the near term.

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

M/S Medford/Meck to adopt resolution 4359A:

M/S Govaars/Martin to add the condition that if the structure was destroyed that the new structure would have to be constructed within the property's setbacks.

M/S Govaars/Martin to add the wording provided by code that if 80% of the structure was damaged or destroyed for any reason that it could not be reconstructed in it's current location.

Upon roll call the vote on the MOTION to amendment was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

M/S Govaars/Martin the variance was conditioned on DOT approval of an encroachment permit.

M/S Mainard/Martin the variance is conditioned that the zoning permit could not be issued until the encroachment was rectified with the Department of Transportation.

Upon roll call the vote on the MOTION on the amendment was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

Upon roll call the vote on the MOTION on resolution 4359A as amended was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-020 is a request for a major variance to allow a covered stairwell and porch to be constructed and encroach into the side yard setback on Lot HH, USS 1475, according to Plat 2005-1, KRD; located at 3391 South Tongass Highway.(Resolution 4360 A)

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

- The applicant previously received a conditional use permit and variance to allow the construction of a detached accessory dwelling unit above an existing garage.
- Access to the dwelling will be through stairs and a landing, which are allowed to be in the side yard setback if they are open and uncovered. However, the applicant would like to alter their plans to allow a roof to be constructed over the stairs and landing.

Planner Johnson stated that the subject variance was not included in the case that was approved in February and the current case is to cover the entryway to the structure with a roof.

The applicant Clem Plamondon was available telephonically for questions.

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

M/S Martin/Medford to adopt resolution 4360A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-021 is a request for a major variance to allow an existing deck to remain and encroach into the required front yard setback and to allow a detached garage to be constructed and encroach into the required side and rear yard setbacks on Lot 117, Forest Park Subdivision, KRD; located at 235 Forest Park Drive, Ketchikan Gateway Borough.(Resolution 4361 A and 4362 A)

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

- The applicant seeks to build a detached garage in the rear and side yard setbacks due to topographical constraints of the property.
- The encroachment of the existing deck into the front yard was discovered through the permitting process.

Planner Johnson stated for Commissioner Mainardi that issues related to water drainage would be rectified through a civil matter.

Planner Johnson clarified that the issue of another dwelling in the garage was not formal since the garage has not been constructed.

The applicant Thomas Bellanich was available telephonically.

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

M/S Medford/ Meck to adopt resolution 4361A for the front yard variance:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

M/S Medford/Mainardi to adopt resolution 4362A for the detached garage variance:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-022 is a request for a rezone from Heavy Industrial (HI) to General Commercial (CG) on Sublot 4, USS 1268, KRD; located at 5121 Shoreline Drive, City of Ketchikan.(Resolution 4363 A)

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

- The applicants sought to expand an existing single family dwelling and use the property for residential purposes not allowed in the Heavy Industrial zone.

Planner Lappin stated for Commissioner Govaars that the Halvorson's house is roughly 200 feet from the applicants house.

Commissioner Govaars felt that due to the residential nature of shoreline that the property should be rezoned to medium density residential rather than commercial.

Planner Lappin stated from Chair Arntzen that the usage as a real estate office was not allowed in the residential zone and was specially called out in code.

The applicant Travis Robbins was in attendance and stated the house was built in 1962 they had been using the upstairs building near the street for office space, but recently converted it back to a residential rental to help address the communities housing issues. He further stated that their businesses have operated out of the subject property in the last two years, during the pandemic.

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

M/S Medford/ Martin to adopt resolution 4363A:

Commissioner Mainardi thought the rezone was a spot rezone; however could see that a

rezone to residential would have unintended consequences for neighboring property owners. He would like to look at specific limitations to alleviate potential tourism creep.

Commissioner Medford felt this application did not have a material impact to the area, but would be open to special limitations on the rezone.

Commissioner Meck felt the rezone to Commercial was adequate and was a down zone from it's current zoning.

Commissioner Govaars felt that since it currently has a house on the property that the zoning should match the current usage as residential.

Chair Arntzen presented a hypothetical scenario were as a house had been sitting on an industrial property for the past 40 year, would the property be in compliance. Planner Lappin stated that the property would be non-conforming if the house was in the same condition, it was when constructed prior to zoning codes. However, if the house needed to be expanded, they would not be allowed to without a zoning change.

Commissioner Medford reiterated that the impacts on neighboring properties were too great and wanted to understand what usages should not be allowed on the property.

Director Harney suggested that if the commission wished to address special limitations that it was highly recommended to postpone the case.

Mr. Robbins stated for the commission that him and his wife would be open to special limitations on the rezone that would allow for office space. Mr. Robbins further iterated that the process is currently holding up the construction of another bedroom for his child.

Planner Lappin stated that he would be nervous to craft special limitations on the fly, but suggested that special limitations could be crafted between tonight and the first Assembly hearing.

Chair Arntzen felt uncomfortable with the current rezone without special limitations and did feel comfortable crafting special limitations on the fly.

Commissioner Govaars questioned if the notification area by code of 600 feet was big enough to solicit comment.

The Commission asked that a second unofficial notification be issued that would encompass all those that live on Shoreline Drive

M/S Medford/Martin to postpone the case to April 26, 2022.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-023 is a request for a rezone from General Commercial (CG) to Heavy Industrial (HI) on Tract K and Tract L, USS 0550, KRD; located at 924 and 971 Stedman Street, City of Ketchikan.(Resolution 4364 A)

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

- The applicant seeks to do rock excavation and processing for resale.
- The property is bordered on three sides by Heavy Industrial property.

Planner Lappin stated for Chair Arntzen that the presented rezone would be the opposite of a spot rezone; since the neighboring properties were currently zoned Heavy Industrial.

The applicant Chris Herby was not in attendance.

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

M/S Govaars/Marinardi to adopt resolution 4364A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

Case 22-024 is a request for a conditional use permit to allow a drive through coffee stand use on Lot 24-1, USS 2603, KRD; located at 10984 North Tongass Highway, Ketchikan Gateway Borough.(Resolution 4365 B)

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

- The applicant sought to place a drive through coffee stand that will supplement their existing botanical nursery retail business.
- The applicant proposed to locate the coffee stand near the North Tongass Highway and had added off-street parking spaces on an adjacent lot to accommodate the additional retail use.

The applicant Deborah Matthews was in attendance. She stated that she intended to only have hours between 6:00 am and 9:30 am. Her intent for the coffee shop was to supplement her income from the nursery and not make it the main focus of the property.

Mike Matthews spoke in support and wanted to be clear that there is plenty of parking when the nursery is closed.

Katrina Monta spoke in support of the coffee shop to add to the atmosphere of the nursery.

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

M/S Marinardi/Medford to adopt resolution 4365B:

Commissioner Mainardi stated he wanted to see the case come back with the new site plan.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

MOTION DECLARED CARRIED

CONSENT AGENDA

1. Non-Residential Subdivision Design Review for Morin Subdivision Case 21-053.(ADMIN)
2. Director's interpretation of KGBC 18.15.030 regarding uses that are allowed on nonconforming lots of record located in non-residential zoning districts.

M/S Medford/ Martin to approve the consent agenda

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Medford, Martin, and Meck

REGULAR BUSINESS – None

REMARKS

DIRECTOR'S REPORT

- Herring Cove Bridge was currently being constructed
- The M/V Malaspina has several interested local parties'
- Rotary Beach is currently being worked on
- Tourism Strategy work has started and the Advisory Committee held it's first meeting
- Housing in Ketchikan has hit a crisis level and on the April 18th, Assistant Manager Cynna Gubatayo will be doing a presentation

Director Harney stated for Commissioner Govaars that the borough was looking at reducing the size of Planned Unit Developments, to reduce it down from two acres to 10,000 square feet.

Director Harney iterated that FEMA now has the green light to travel and they are motivated to finish up flood map expansion. Public Meetings are expected to start in September along with a 90 day comment period.

COMMISSIONERS' COMMENTS

Commissioner Medford thanked Chair Arntzen for here time.

ADJOURNMENT

M/S Govaars/ moved to adjourn.

With no objection, the meeting adjourned 9:20 p.m.



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



Shafli Arntzen, Chair
Planning Commission/Platting Board