

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

4/26/2022

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, February 8, 2022, by Chair Jos Govaars and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

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

STAFF PRESENT: Planner Jonathan Lappin, and Platting/ Zoning Clerk, Jeremy Weber

PRESENTATION OF MINUTES - None

SPECIAL ORDERS – None

CORRESPONDENCE - None

PERSONS TO BE HEARD - None

UNFINISHED 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 22, 2022, into the record.

Case 22-022 is a request for a rezone from Heavy Industrial (HI) to General Commercial (CG) on Sublot 4, USS 1268, KR D; 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 Chair Arntzen that currently there was not a requirement for a 50 foot buffer on the applicant's property because the structures are considered non-conforming. He further explained that there are two types of telecommunications called out in the code and the one outlined in the special limitations is limited to non-commercial antennas; which excludes telecommunications towers.

Planner Lappin explained to Chair Arntzen that borough staff did not talk with the neighboring property owner to the southwest because by asking the owner there existed

the potential for a violation to the Takings Clause in the 5th Amendment to the US Constitution. Planner Lappin further stated that there are currently no industrial uses on the subject property.

Applicant Travis Robbins did not have anything further to add and thanked Staff and the Commission. His intentions were not to affect his neighboring property owners. He also stated that he liked the special limitations because it would limit future property owners from affecting the surrounding property owners residential uses.

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

M/S Meck/ Mainardi to adopt resolution 4363 A, approving the request

M/S Medford/Mainardi to amend resolution 4363 A by adding Special Limitations outlined by Planner Lappin in the agenda.

Chair Arntzen stated that she had a hard time with this case because of the justification for not allowing variances to the property. She also felt that the "Takings Clause" reasoning was hard embrace since no one had spoken to the neighbor in those regards. She also stated that too many times people change their uses once approval is granted.

Commissioner Mainardi stated that the real estate office was a big piece of reasoning for the downgrade to Commercial.

Commissioner Govaars stated that he felt that since the property was purchased as a residential property the current use should reflect the current zoning and therefore the property should be downgraded to residential.

Upon roll call the vote on the MOTION to Amend Resolution 4363 A with Special Limitations was:

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

Commissioner Medford felt the Special Limitations accomplished the goals.

Upon roll call the vote on the MOTION on Resolution 4363 A as amended was:

YES: Govaars, Martin, Medford, Mainardi and Meck

NO: Arntzen

MOTION DECLARED CARRIED

NEW BUSINESS/PUBLIC HEARINGS - None

MOTION DECLARED CARRIED

CONSENT AGENDA - None

REGULAR BUSINESS - None

REMARKS

DIRECTOR'S REPORT - None

COMMISSIONERS' COMMENTS

Commissioner Medford appreciated Planner Lappin's chart of uses.

ADJOURNMENT

M/S Medford/Martin moved to adjourn.

With no objection, the meeting adjourned at 6:32 p.m.



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



Sharli Arntzen, Chair
Planning Commission/Platting Board