



# Petersburg Borough

12 South Nordic Drive  
Petersburg AK, 99833

## Meeting Minutes Planning Commission

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Tuesday, December 8, 2015

10:00 AM

Assembly Chambers

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### 1. Call To Order/Roll Call

**Present:** 5 - Chris Fry, Tom Stearns, Otis Marsh, Richard Burke and Yancey Nilsen

**Excused:** 1 - Dave Kensinger

### 2. Approval of the previous meetings minutes

The motion to approve the minutes from the October 13, 2015 and November 10, 2015 passed unanimously.

Meeting Minutes from October 13, 2015

**Attachments:** [MeetingMinutes 13-Oct-2015](#)

Meeting Minutes from November 10, 2015

**Attachments:** [MeetingMinutes 11.10.2015](#)

### 3. Amendment and approval of agenda

Motion to approve the agenda as submitted passed unanimously.

### 4. Public Hearing

- A. Public hearing for a special use permit application from Aaron & Jodi Severson to construct and maintain a private driveway within the Noseeum Street right-of-way at Pearl F. Street.

*Inspector Bertagnoli reported that he received a call from Gary Aulbach from Alpine Design, the builder, stating that the Severson's were unable to attend this meeting but that he would show up if needed, but advised that since this is just a recommendation to the Assembly, his presence probably wouldn't be necessary. Bertagnoli also reported that he read Public Works Director Hagerman's comments with his recommendations, and the Severson's are aware of those conditions and they would comply with them. The Severson's are also planning on attending the Assembly meeting when it hits the agenda there. Director Cabrera stated that she had also heard from Ronn Buschmann, who is the property owner behind the Severson's and that he is okay with this permit as long as the conditions mentioned are met and it is stipulated that should he ever want to develop on his property, the right-of-way would remain in existence. Discussion.*

*There were no testimonies from the public submitted or in person.*

**Motion to open the public hearing for the special use permit application for Aaron & Jodi Severson passed unanimously.**

**Motion to open all three public hearings passed unanimously.**

A. Severson SUP

**Attachments:**     [Severson.dox. 12.8.2015](#)

- B. Public hearing for a rezone request from Petersburg Borough to rezone 203 South Third Street from Public Use to Single-Family Mobile Home.

*There were no public comments on this and staff comments were submitted and will be covered during that portion of the agenda. Discussion.*

Borough Owned Lot

**Attachments:**     [Borough Owned Lot.dox](#)

- C. Public hearing for a conditional use permit application from Aaron & Katrina Miller (Zack, Inc.) to construct a net house at 107 Arness Heights Drive.

*Director Cabrera first verified that Commissioners had received the three written comments; one from Island Ventures, one from Ray Olsen, Jr. and the letter submitted by the Borough Assessor. Cabrera then read into the record the letter from Ray Olsen, Jr. in opposition; Arne Erickson, assessor, opinion; John Murgas in favor.*

*Joe Aliberti spoke on his on behalf. Aliberti stated that he has brought up the language and spirit of the zoning ordinance on numerous occasions and would like to see the Commission stick with that. Aliberti stated that he feels that the first use of the zoned property ought to be fulfilled before secondary uses are allowed. Aliberti is still opposed to allowing this permit to be approved.*

*Katrina Miller spoke on her own behalf. Ms. Miller stated that their gear has been being stored on that property for quite a few years and asked Mr. Aliberti if his property taxes had gone down in the last few years. Ms. Miller asked the Commission if they had any questions for them about the plans they've submitted. Bertagnoli asked that if the permit is allowed, would the roof go all the way to the edges of the containers - Mr. Miller responded that they would not, but would overlap and would be a flat roof. Commissioner Fry asked about materials proposed for construction. Discussion. Mr. Miller stated that this structure is a temporary fix to cover the gear that is left on the property until they can build on their building permit. Commissioner Fry asked what kind of timeline would be required, if the Commission were to approve this conditional use but the Miller's didn't comply, for the revocation documentation to be mailed out should that happen prior to the deadline for the current abatement order which expires on June 15, 2016. Cabrera stated that there is nothing in the ordinance that requires public notification; this was done last time out of courtesy but she would like to give the petitioners a chance to come in to the Commission and discuss the issue and also to give the neighbors a chance to talk about it. Cabrera stated that probably a week before the Commissions June meeting and if the Commission takes action, that would still give the Miller's ample time to clear the lot.*

*Pat Weaver spoke on her own behalf in opposition stating that this issue is not new. Ms. Weaver stated that when the Miller's were originally contemplating purchasing this property, the Weaver's suggested they purchase an industrial lot when they found out what the Miller's wanted to use the property for, but the Miller's stated they would get a conditional use permit. Weaver said the use of containers for storage is a downgrade for this property and does not fit with their vision of this property and for that reason, they are in opposition of this permit being approved. Weaver also stated that there was an offer made to swap properties at one time but the Miller's declined.*

*Ms. Miller countered that when they were in the process of purchasing this lot, that Mr. Weaver did not suggest an Industrial lot. Ms. Weaver stated that since this whole issue has come up, that the lot exchange was offered. Also stated that this property has been for sale and was confused as to why they are going to such lengths for this conditional use permit. Miller stated that not one person has responded to the sale of the property.*

Miller CUP 12.8.15

Attachments:     [Miller CUP dox.12.8.2015](#)

Motion to close all three public hearings passed unanimously.

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

*None*

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

*None*

**7. Report of staff members**

*None at this time*

**8. Unfinished Business**

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

*Greg Townsend spoke on his own behalf stating that his intention is to use this home occupation for gunsmithing and related his experience with guns. Mr. Townsend did say that he has an FFL (Federal Firearms License) and a business license but that as of now no one wants that so he doesn't do that. Commissioner Fry asked how much space would be used for this business. Townsend stated that the space is a closet that the ATF looked at and approved it.*

*Commissioner Nilsen asked if guns would be for sale on-site. Townsend answered in the negative. Nilsen asked if there would be transfers done with the FFL permit. Townsend answered in the affirmative; this would be done. Commissioner Marsh stated that he spoke with the neighbors of a previous gunsmith in town and no one expressed concern over traffic. Discussion. Townsend stated that traffic would not be an issue because he typically meets the customers to pick up the guns. Discussion.*

*Ms. Rexanne Stafford spoke on her own behalf and stated that she originally was opposed to this permit being approved but in the spirit of building home businesses, is willing to consider this business. Stafford stated that according to Townsend's website, there is quite a bit of ammunition and weapons for sale there. Stafford asked if he is not going to be selling out of his home, why is he filing for a home occupation permit? Bertagnoli stated that the potential is there for customers; however the Commission may place limitations on the permit. Discussion.*

*Mr. Wes Abbott spoke on his own behalf in opposition to this business as it is a residential area and should stay that way since his business is probably going to expand and thus bring in more traffic. Discussion.*

*Possible conditions that could be placed upon the permit are: No signage, no employees, no on-street parking, limiting hours. Stafford asked how the Commission can enforce conditions if the conditions are unenforceable. Bertagnoli explained that it is up to the Commission to place conditions on the applicant that are enforceable. Discussion. Bertagnoli reminded the Commission that at the last meeting, Commission Kensinger asked that his feelings of being strongly opposed to this permit be remembered. Discussion.*

*Conditions actually placed on the permit are: No signage, no employees, no on-street parking, limited hours of between 9am and 6pm, no on-site ammunition sales, permit will expire if property is sold or there is a change in property ownership, permit to sunset in two years.*

**The motion to approve the conditional use permit for Gregg Townsend's home occupation passed unanimously. Findings of Facts were approved unanimously as submitted by staff.**

## Townsend Conditional Use Documents

Attachments: [Townsend packet.docx 11.10.2015](#)

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

*Director Cabrera explained why this issue is before the Commission again. Apparently, at the previous meeting when the Commission made the limitations of the pedestrian easement to 5', the Lutomski's had already left the meeting and were not present to answer the question whether that would work for them. When Cabrera spoke with them later, she discovered that it would not work for them. Cabrera thought that the Lutomski's should have a chance to address their reasoning before the Commission and see if it could be reconsidered.*

*After the Commission voted in favor to reconsider the application, Commissioner Fry asked Paul Lutomski why the original 5' would not work for them. Lutomski stated that their intent the whole time was to vacate the pedestrian easement entirely because when there is an easement, you can't do anything inside that easement and they already have a 20' setback, so if they want to do anything inside of that, on that same boundary, they would have to apply for a variance. If there's an easement, and this one just goes back 20' and they decided they wanted to do a structure or a water catchment or anything inside of that, they wouldn't be able to; they'd have to go through this process again to vacate the easement and then also get a variance for the setback. After talking to neighbors in the area and looking at other easements nearby, he and his wife came to the conclusion that no one would use this easement as a pedestrian public walkway. The Lutomski's asked their neighbors and no one had any problems with the vacation of the easement. The neighbors also showed no concerns over future plans for some possible structures. Lutomski stated that he thought that when they had their pad laid, that Reid Brother's said it looked like they had more room to do the water catchment than Reid's originally thought. Lutomski's may not need that room into the easement or even into the setback, but they'd like to vacate the easement in case the time comes that they do need to use it, they could submit a variance for the setback.*

*Commissioner Fry asked if there were any comments from Borough staff and Cabrera stated that the Commission supported the vacating the first time through, and it was unfortunate on the timing of the previous decision coming down that Ms. Lutomski had already left the meeting.*  
*Discussion.*

*Cabrera suggested that if the Commission is willing to take action on this reconsideration that they put out public notice of their intent since the people that gave public testimony previously are unaware that there are any issues with the decision that came down during the last meeting. And as a courtesy, they should be allowed to testify again if they so choose.*

**The motion to reconsider the pedestrian easement and schedule it for the next meeting passed unanimously.**

Lutomski - Vacate a pedestrian access easement

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

- C. Consideration of a special use permit application from Aaron & Jodi Severson to construct and maintain a private driveway within the Noseeum Street right-of-way at Pearl F. Street.

**The motion to recommend for approval by the Assembly the special use permit, with Staff recommendations, for Aaron & Jodi Severson passed unanimously.**

- D. Consideration of a rezone request from Petersburg Borough to rezone 203 South Third Street from Public Use to Single-Family Mobile Home.

**The motion to recommend for approval by the Assembly the re-zoning of 203 S. Third Street passed unanimously.**

- E. Consideration of a conditional use permit application from Aaron & Katrina Miller (Zack, Inc.) to construct a net house at 107 Arness Heights Drive.

**This motion failed for lack of a second.**

## **9. New Business**

- A. Consideration of an application to replat Lot 6A of the Aiken Subdivision from Scot Newman at 206 Fram Street.

*Director Cabrera gave a history of the original lot consolidation and the Newman's request to split the property back to its original division now that they are wanting to sell the house and garage separately. Both lots are zoned Commercial so the garage on its own lot is okay and setbacks are acceptable. Discussion.*

**The motion to approve the replat of Lot 6A of the Aiken Subdivision passed unanimously.**

Newman Resubdivision/Replat application

**Attachments:**     [Newman\\_application](#)

## **10. Discussion items**

Review of Final Draft of Comprehensive Plan by Agnew::Beck.

*Director Cabrera presented the timeline given by Agnew::Beck and asked that the Commission set hearing dates for reviewing the final draft comprehensive plan. Discussion. January 12, 2016 and February 9, 2016 were suggested as dates, which are the regular P&Z meetings and also overlap with the Harbor Board meetings. Discussion. It was agreed that these dates and meetings would be acceptable.*

## **11. Adjournment**

The motion to adjourn passed unanimously.