

Date Received <u>12/31/2014</u>	Received By: <u>K. Malcom</u>	Fee: <u>\$1700</u>
Planning Commission Public Hearing Date:	Approved	Denied

FOR OFFICE USE ONLY

APPLICATION FOR SPECIAL USE PERMIT

CITY OF PETERSBURG  
PLANNING & ZONING

P.O. BOX 329

PETERSBURG, ALASKA 99833

- I. APPLICANT(S): HEATHER ISLAND, INC.
- II. DESCRIPTION: (Use additional paper if necessary)

Legal Description of the area requested for the special use permit:

FIRST STREET RIGHT-OF-WAY WHERE IT  
MEETS BIRCH ST. BOARD STREET.

Size of the petition area: APPROXIMATELY 3,750 SQ. FT.

- III. APPLICATION INFORMATION: (Use additional paper if necessary)

Explain details of proposed development: SEE ATTACHED

Explain schedule of timing of development program: SEE ATTACHED

A SPECIAL USE PERMIT CONDITIONS OF APPROVAL:

The City Council may issue the permit if the request as approved by the Commission is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

There are instances when the private sector needs to use city property for uses other than what the property was initially intended for. An example would be to use a platted, but undeveloped, right-of-way for private access to private property.

Explain how your application meets these conditions: SEE ATTACHED

Note: The City Council shall render its decision within thirty days after the conclusion of the public hearing, and upon receipt of Planning Commission recommendations.

In granting a special use permit, the commission shall state under what conditions, if any, the permit has been issued. Any such condition must be complied with. Violation of any condition shall result in revocation of the permit and further use of the property shall constitute a violation of this title, and shall be punishable accordingly.

A Schematic site plat must be attached showing the type and location of all proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.

Approval of a special use permit may require verification of insurance coverage. Contact the City Clerk for further information on these additional requirements.

I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.

Hatter Island, Inc.

Print Petitioners Name

William L. McDonald, PRESIDENT

Signature of the Owner(s) of the Land in Petition Area

12/31/14

Date

PO BOX 478, 14 BIRCH ST., PG

Address (Street and Mailing)

907-578-0545

Phone Number

## APPLICATION FOR SPECIAL USE PERMIT UNDER CHAPTER 19.76

### III. APPLICATION INFORMATION.

#### DETAILS OF PROPOSED DEVELOPMENT:

This application is being made by Wally McDonald relating to borough property located adjacent to the Birch St. board street, specifically the First St. right-of-way, to be used for residential parking. The Hammer Slough neighborhood is zoned Commercial 3, in recognition of its scenic and historical character.

Since demolition in 1999 of a residence on Lot 1C (Plat 2009-12) on the lower side of Birch St. by Gloria Ohmer, tenants of Heather and Rose Apartments at 14 Birch St. (Lot 3B) have had permission to park their vehicles on the portion of Lot 1C on the upper side of the board street. This has been a courtesy we have appreciated for several years. However the property's current owner, Dave Ohmer, is building a new duplex unit at Lot 1C and on completion he will need to use the upper side of the lot as private parking for his tenants.

Available alternative parking within a convenient distance of 14 Birch St. has become more limited, as several parking spaces located along Nordic Drive around the intersection with Haugen Drive and the approach to the Louis Miller Bridge have been eliminated. What I would like to do is utilize an unused platted street right-of-way to provide residential parking by brushing out the area and filling to bring the level up to that of the board street (refer to attached sketch). To be done in the way proposed would involve removing approximately 36 feet of bridge railing and bull rail on the upper side of the street and filling a driveway to the platted intersection of First & Ira II Streets, where the fill would be "fanned" to create an arc where the parking spaces would be. Doing it this way will not disturb the existing fire hydrant and valve and the existing utility pole, will not require removal of any large trees, and it will provide a needed turn-out on the two-way, one-lane street.

A precedent for use of street right-of-way for residential parking in the neighborhood exists at the south end of Birch St., where the Kisen St. right-of-way is used for residential parking.

On granting of special use permit I would agree to assume all costs to complete the project, and would agree to not hold the city responsible for maintenance of the permitted property, including trash removal, fill maintenance, and snow removal.

I have contacted Carl Hagerman, Leo Luczak and Chris Cotta at Public Works about this proposal, and have visited the site with Chris Cotta. I have also spoken with Joe Nelson at Power & Light about the existing utility pole in the First St. right-of-way alongside Birch St., and with Ryan Welde of PVFD about the fire hydrant located nearby.

#### **SCHEDULE OF TIMING OF DEVELOPMENT PROGRAM:**

1. Locate and mark corner of Block 42, Lot 4, owned by Harold and Chris Medalen, as intersection of First St. and Ira II St. rights-of-way.
2. Brush out area to be filled, including small trees. Larger trees to be left intact (none are within proposed fill area).
3. Protect guy on existing utility pole, per department Power and Light.
4. Install bollards around fire hydrant, per PVFD
5. Remove approximately 36 feet bridge railing and bull rail on upper side of board street.
6. Deposit good-drainage fill according to plan, bringing elevation to same level as board street with a slight upward grade sloped to Birch St. Contractor to be cautioned to keep equipment loads well below maximum weight allowance for Birch St. board street.

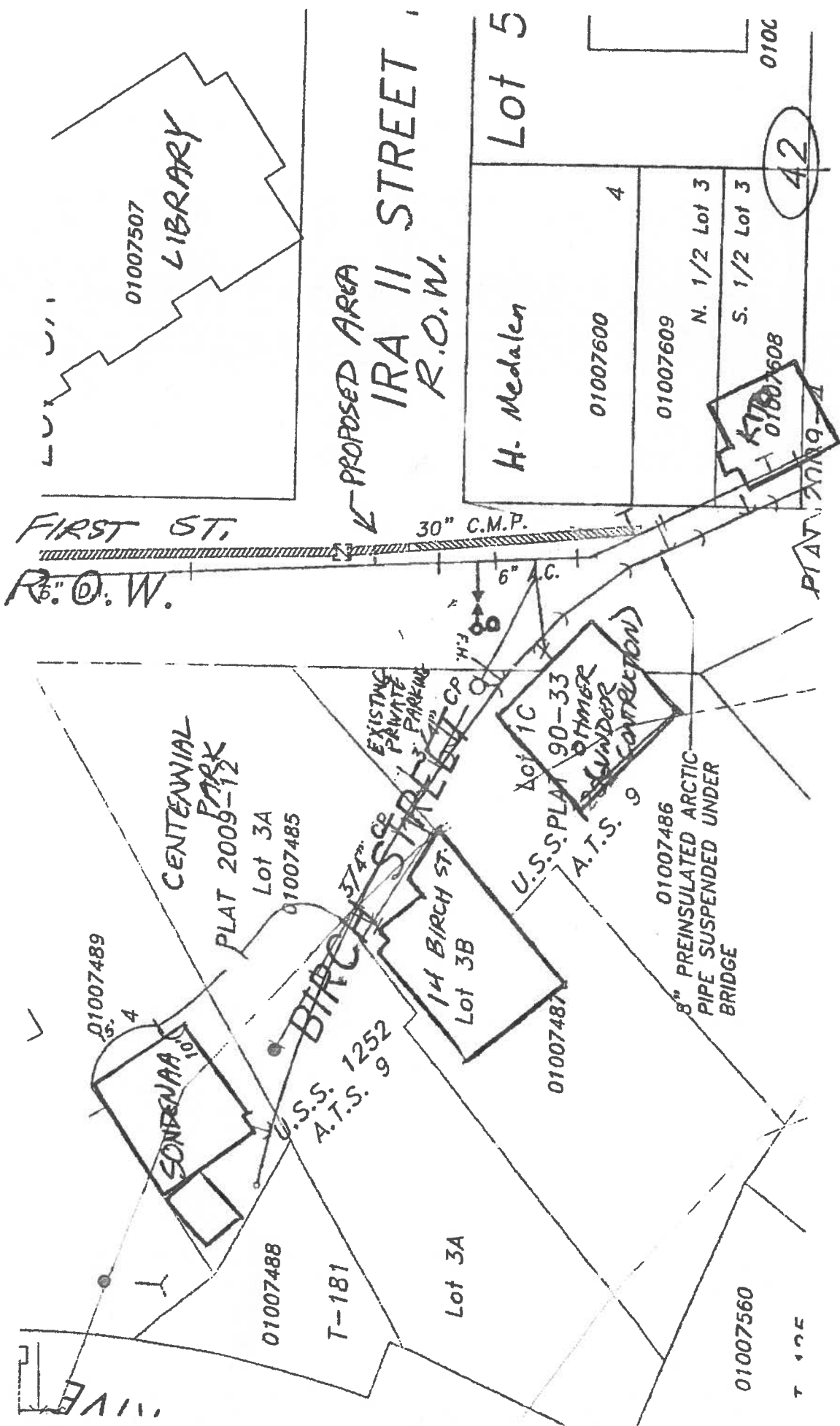
#### **FURTHER PROVISIONS:**

By assuming costs of the project and maintenance of the area, I would expect to be able to designate the parking created as solely for the use of tenants of 14 Birch St. Tenants would be required to park only operating motor vehicles in the area and to use the area for no type of storage.

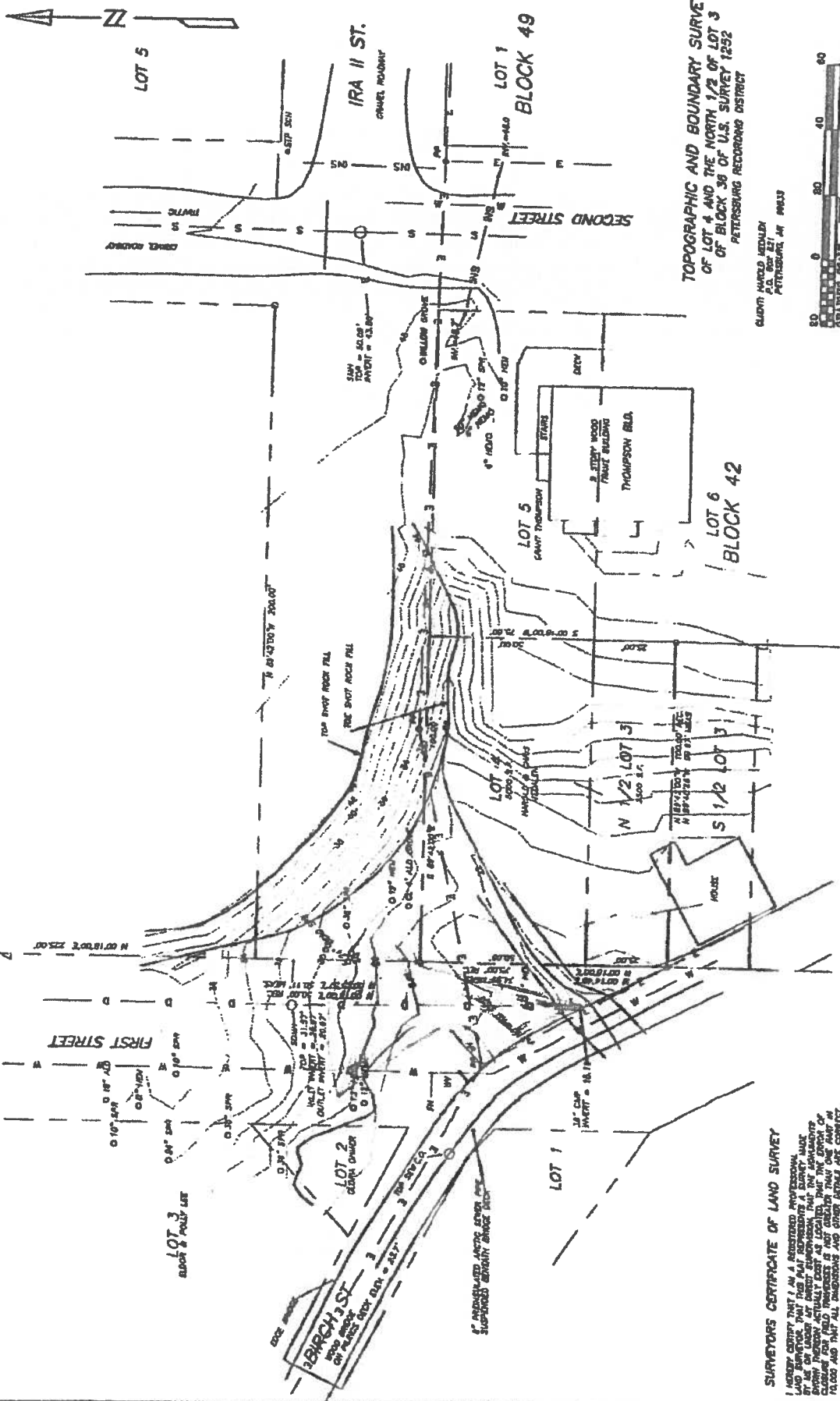
The owner of 14 Birch St. is Heather Island, Inc., an Alaska corporation consisting of Wally McDonald (its president), and his three children.

#### **MEETING CONDITIONS FOR APPROVAL:**

While the original primary intent of any street right-of-way is to permit a corridor for vehicular traffic, it appears very unlikely that the borough will ever use this right-of way for that purpose. A secondary purpose of street rights-of-way is to provide public parking, and this proposal seeks to use this property for that purpose. Surrounding property owners are not adversely impacted by this proposed use as the parking is to be set back from the board street, and they are benefitted because as designed this use allows a pull-out for opposing traffic on the one-lane street, allowing easier and safer use of the street.



117.04' 1544.81' 1046.87'



TOPOGRAPHIC AND BOUNDARY SURVEY  
OF LOT 4 AND THE NORTH 1/2 OF LOT 3  
OF BLOCK 36 OF U.S. SURVEY 1252  
PETERSBURG RECORDING DISTRICT

CLARENCE HENRY  
P.O. BOX 211  
PETERSBURG, VA 23103

GRAPHIC SCALE - FEET  
0 20 40 60 80

**SURVEYOR**  
**RICK G. BRAUN, I.S.**  
P.O. BOX 211, PETERSBURG, VA 23103  
PH (807) 772-3986  
SURVEY COMPLETED 12/29/98 DRAWN BY R.G.  
SCALE AS SHOWN PROJ. # ME4189

**LEGEND**  
O 8/8" REBAR RECOVERED THIS SURVEY  
⊕ BRASS CAP STREET CENTERLINE MONUMENT

**SURVEYORS CERTIFICATE OF LAND SURVEY**

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL  
SURVEYOR AND THAT THIS PLAN REPRESENTS A SURVEY MADE  
BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT  
THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE  
PRACTICES AND STANDARDS OF THE SURVEYING  
PROFESSION AND THAT ALL DIMENSIONS AND OTHER DATA ARE CORRECT  
AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE  
PRACTICES AND STANDARDS OF THE SURVEYING  
PROFESSION AND THAT ALL DIMENSIONS AND OTHER DATA ARE CORRECT

RECORDING NO. 18 5483

REGISTERED LAND SURVEYOR

VEY

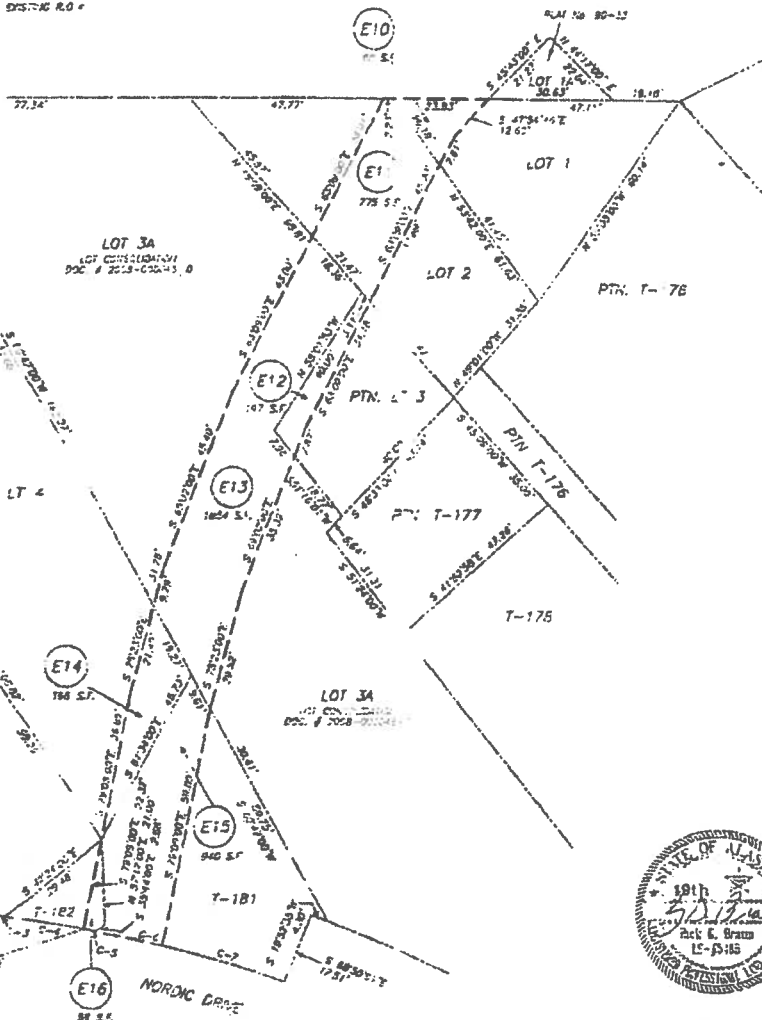


1 MILE

# CRVE DATA

7	1P-274	DELA	CH-100	CH-244-16
1	42.00'	718'47"	41.87'	5 07151474
2	1.24'	01233"	1.24'	5 05293474
3	1.15'	01130"	1.18'	5 07111774
4	18.40'	112758"	18.40'	5 082335074
5	3.00'	013712"	3.00'	5 104413174
6	18.83'	13180"	18.92'	5 123135474
7	31.25'	020271"	31.24'	5 174214474

ST STREET  
EXISTING R.O.W.



EASEMENT No.	NAME ON EASEMENT DEED	BOOK	PAGE
E1	RUDAR ENGE	62	63
E2	RUDAR ENGE	62	63
E3	HERBERT S. REID	61	57
E4	ERLING & BLANCHE THOMSEN	62	52
E5	LOUIS J. VESEL	62	60
E6	LOUIS J. VESEL	62	60
E7	RICHARD T. KITO	62	58
E8	RICHARD T. KITO	62	58
E9	LEIF JOSEPH	62	55
E10	DAVE P. OHMER	62	62
E11	DAVE P. OHMER	62	62
E12	GERVASIO L. ISTHLOC	62	61
E13	GERVASIO L. ISTHLOC	62	61
E14	WAK L. HAUDE	62	59
E15	CITY OF PETERSBURG	62	59
E16	WAK L. HAUDE	62	59
NO LOCATION FOUND	ESTATE OF TOM GOODMAN	62	58

## LEGEND

BRASS CAP STREET CENTERLINE MONUMENT

## SURVEYORS CERTIFICATE OF LAND SURVEY

WE HEREBY CERTIFY THAT AS A REGISTERED PROFESSIONAL LAND SURVEYOR, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ARE AS LOCATED, THAT THE THEORY OF SURVEYING HAS BEEN EMPLOYED, AND THAT THE THEORY OF SURVEYING IS NOT GREATER THAN ONE PART IN 10,000 AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

Sub 17, 1669

REGISTERED NO. 18 8465

3/1/2014  
FOR STATED LAND SURVEY



CER  
I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS FILED IN THE CITY OF PETERSBURG, ALASKA, ON 3/1/2014.  
DATE 3/1/2014  
BY [Signature]  
SURVEYOR

**Liz Cabrera**

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**From:** Harold Medalen <haroldmedalen@gmail.com>  
**Sent:** Tuesday, February 10, 2015 7:23 AM  
**To:** Liz Cabrera  
**Subject:** Public Hearing re: Placement of fill in 1st Street R.O.W.

Hi Liz,

I would like to let the Planning Commission know that Chris and I have no objection to the Heather Island proposal to place fill in the First Street Right of Way where it meets Birch Street. The area already has a significant amount of fill that was placed there in the early 1980s when the culvert draining Haugen Drive into Hammer ' s Slough was installed in the R.O.W. We can't see where the addition of more fill will adversely impact the site, it can only improve it.

Sincerely, Harold Medalen