

# Planning Commission Report

Meeting date: May 16, 2017

**TO:** Borough Assembly

**FROM:** Planning Commission

**Subject:** Rezone of 2 lots located at 751 and 753 Mitkof Highway from Rural Residential to Industrial for the purpose of operating a sand/gravel pit.

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**Recommendation:** DENY rezone of 2 lots located at 751 and 753 Mitkof Highway from Rural Residential to Industrial.

**The Petersburg Planning & Zoning Commission makes the following findings of fact:**

1. An application for rezone was initiated by Ralieggh and Marsha Cook (applicants) on January 27, 2017. Mark Weaver (owner) wrote in support of the applicants.
2. The applicants represent 100% of the property owners of the subject parcels.
3. The request covers 2 separate parcels of approximately 3.91 acres of land.
4. The parcel is currently zoned Rural Residential. Adjacent parcels to the North are zoned Industrial. Adjacent parcels to the South are zoned Rural Residential. Parcels to East across Mitkof Highway are zoned Rural Residential.
5. Existing development in the area is mixed and consists of:
  - a. Twin Creeks RV
  - b. Single-family Residential Development
  - c. Undeveloped properties.
6. Both lots have current Conditional Use Permits to operate sand and gravel.
  - a. 751 Mitkof– has an existing CUP allowing removal of material 3 or 4 days each month.
  - b. 753 Mitkof – has an existing CUP allowing excavating according to a detailed reclamation plan approved by the commission in 1997.
7. Significant sand/gravel excavation on these lots was ongoing through the mid-1990's when the material was used for cover at the landfill. Use of the pits has decreased since the municipal landfill was closed.



# Planning Commission Report

Meeting date: May 16, 2017

8. The Petersburg Borough Comprehensive Plan
  - a. The Petersburg Borough Comprehensive Plan classifies the future land use for the subject parcels as: WATERFRONT B - Areas on or near the waterfront, where waterfront location is key to value of the use; examples include residential, lodging, restaurants, select retail; uses must be sited and designed to take advantage of waterfront values, and maintain the scale of single family detached residential buildings.
9. Currently, the area is zoned Rural Residential. Per PMC 19.16.010, the purpose of the Rural Residential district is “is to provide lands where large tracts can be developed as an estate.” Allowable uses in the Rural Residential District are limited to single-family residences and public parks and playgrounds. Conditional uses in the district are: Home Occupation, Trailers for construction purposes, mobile homes, rock quarry/borrow operations, churches, and mobile home parks.
10. The purpose of the proposed Industrial district is “to provide for an area with a broad range of industrial establishments. Development requirements are intended to provide for a safe and sightly environment and to allow adequate space for off-street parking, storage and expansion. Residential construction in this zone is limited because it is intended that land in this zone be reserved for primarily industrial process.”
11. Hearing notices were mailed to property owners within 1,000 feet of the subject parcel on April 28, 2017.
12. On May 16, 2017, a duly noticed public hearing was held by the Petersburg Borough Planning Commission.
13. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff report, including
  - a. Written comments from Bryan and Lisa Haas
  - b. Written comments from Don and Joan Newell
  - c. Oral testimony from Bryan Haas
  - d. Oral testimony from Alec Schramek
  - e. Oral testimony from Ralieggh Cook
  - f. Oral testimony from Pat Weaver
  - g. Oral testimony from Kaitlyn DuRoss

## **Section 2. Based on the preceding findings of fact, the Petersburg Planning & Zoning Commission makes the following report and recommendation:**

Under PMC 19.84.030 the Commission is required to report on (a) the need and justification for the proposed change, and (b) the effect which the proposed change would have on the objective of the comprehensive plan.

- 1) Findings as to need and justification for proposed change:
  - a) The applicants state that existing conditional use permits are too restrictive for their intended use. The CUP does not allow for siting a sand/gravel sifter on the property.

## Planning Commission Report

Meeting date: May 16, 2017

- i) The two existing CUP's vary considerably as to intensity of use and the desired end use of the property. The 751 Mitkof Hwy CUP limits operations to 4-5 days per month. The 753 Mitkof Hwy CUP does not place those limits, but it does envision an end to excavation and development of residential parcel.
  - ii) This is seemingly inconsistent with the desired use of the applicants to intensify sand/gravel excavation and establish manufacturing and storage facilities on the property.
- b) The stated justification for the proposed change is the proximity to existing industrial district, the lots are subpar for the district, and rezoning will provide needed services for the borough.
  - i) The subject parcels are adjacent to existing industrial zone land to the north.
  - ii) One of the lots does not meet minimum lot area for the RR district, which is 1 acre. It is likely the lot was created prior to zoning of that area and would be considered a nonconforming lot that could be developed for residential use.
  - iii) The borough does purchase sand and gravel. There is no existing contract between the borough and applicants.
- 2) The effect which the proposed change would have on the objective of the comprehensive plan:
  - a) The proposal is not consistent with future land use as shown in the general land use map of the comprehensive plan.
- 3) Based on testimony and discussion at the hearing, the Planning Commission felt this issue would be better handled through a conditional use permit process whereby the commission could set some conditions to mitigate the concerns of neighboring property owners.
  - a) Development of sand/gravel borrow pit is a conditional use within the Rural Residential district.
  - b) Applicant also desires to construct a structure for storage. This would be allowed as an accessory use once there is an established dwelling on the property within the RR district.
  - c) While the CUP process could work for the proposed sand/gravel operation, it would not be an option for future development of a heavy machinery fabrication/manufacturing shop the applicant is proposing. This type of activity would need to occur within the Industrial District.



# 751 & 753 Mitkof Highway



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



RECEIVED  
4/24/17  
PD # 170.00 KM  
e.c.

To the City and Borough of Petersburg:

April 23, 2017

We, Ralieggh and Marsha Cook, are purchasing property located at 7.5 mile Mitkof Highway. The said property is described as follows:

Parcel I.D. # 01174750  
Lot GL 14, (Formerly City Lot 23) Section 35  
751 Mitkof Highway  
Parcel I.D. # D1175200  
Lot GL 15, Section 35  
753 Mitkof Highway

Both parcels, owned by Mark Weaver, are formerly known as the City Sand Pit. These parcels are currently zoned rural residential with conditional use permits for use as rock/sand quarry.

Our main reason for purchasing the property is to mine and sell the sand/rock that is available on the property as Mark Weaver had intended as far back as 1995. In 1995 Mr. Weaver had a comprehensive plan drawn up to accomplish this goal by Mr. Rick Braun. However, the conditional use permits are not flexible enough and have too many time constraints to accomplish his, and now our, vision for these properties. Moreover, our visions of having a fabrication/manufacturing shop and storage facilities on the property before, during and after the sand and rock is mined are not permitted in the current zoning.

Therefore, we would request that Lot GL 15 and Lot GL 14 (formerly City Lot 23) be rezoned to I-1, Industrial District. When rezoned, we will be able to provide a number of needed services to the Borough. In addition, this property is already bordered on the north side by I-1 zoned properties, and includes a lot that size wise is not permitted in its current zoning.

Ralieggh & Marsha Cook

907-401-0527  
PO 1438

Ralieggh @  
TAMICO.NET

Mark Weaver  
PO Box 286  
Holualoa, HI 96725  
206-612-6093


Planning and Zoning Commission  
PO Box 329  
Petersburg, Alaska 99833

April 29, 2017

Dear Members of the Planning and Zoning Commission,

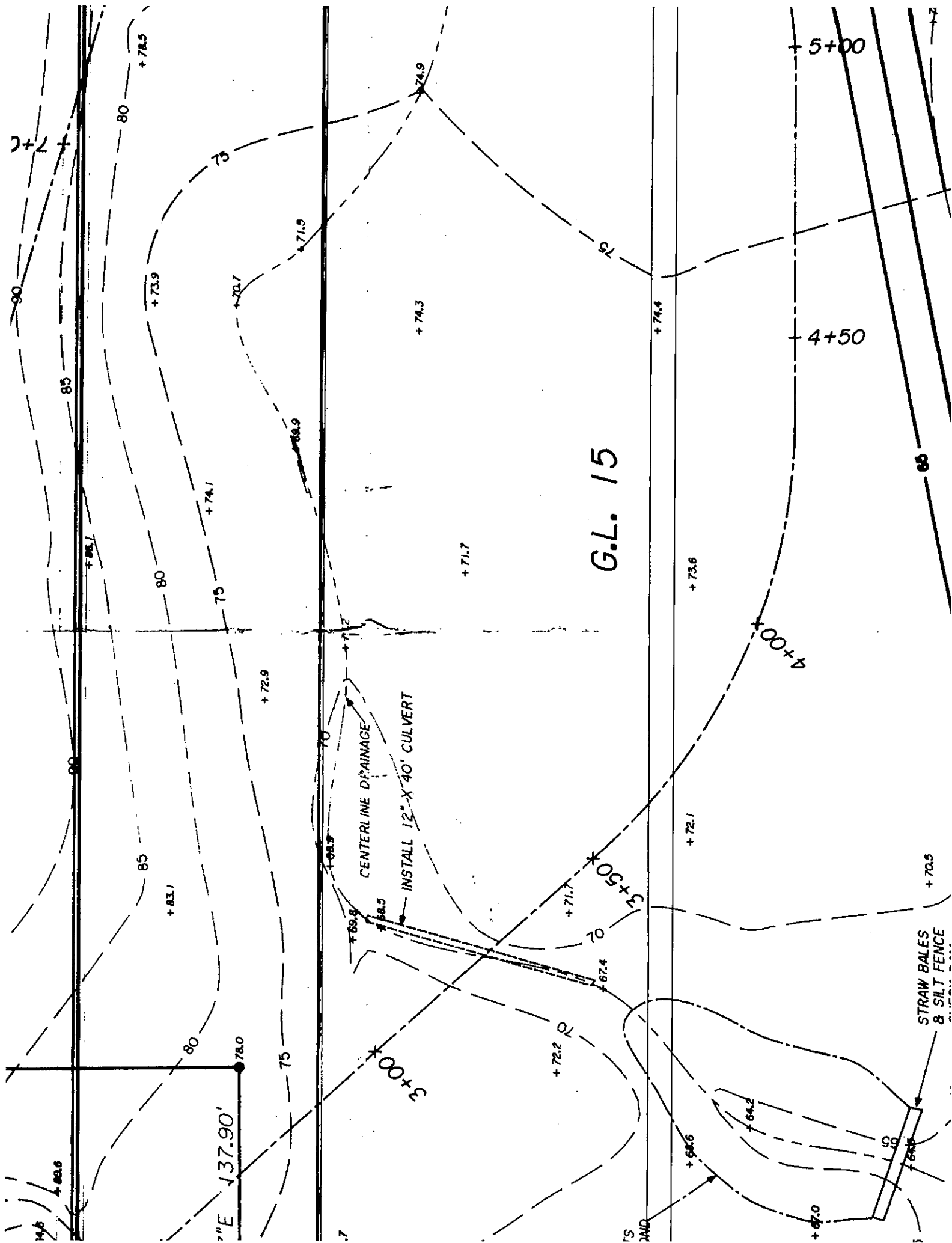
As owner of the property under consideration, it is with my approval and support of Ralieg and Marsha Cook's request, to have the plt located at 751 and 753 Mitkof Highway, rezoned from Rural Residential to Industrial. Given the use of the property, and that the property to the left is also Industrial, it seems like a natural fit. If you have any questions please do not hesitate to contact me.

Respectfully,



SUNDAY APRIL 30 2017

Mark Weaver



329.92'

80'

70'

40'

SLOPE 2

120

E

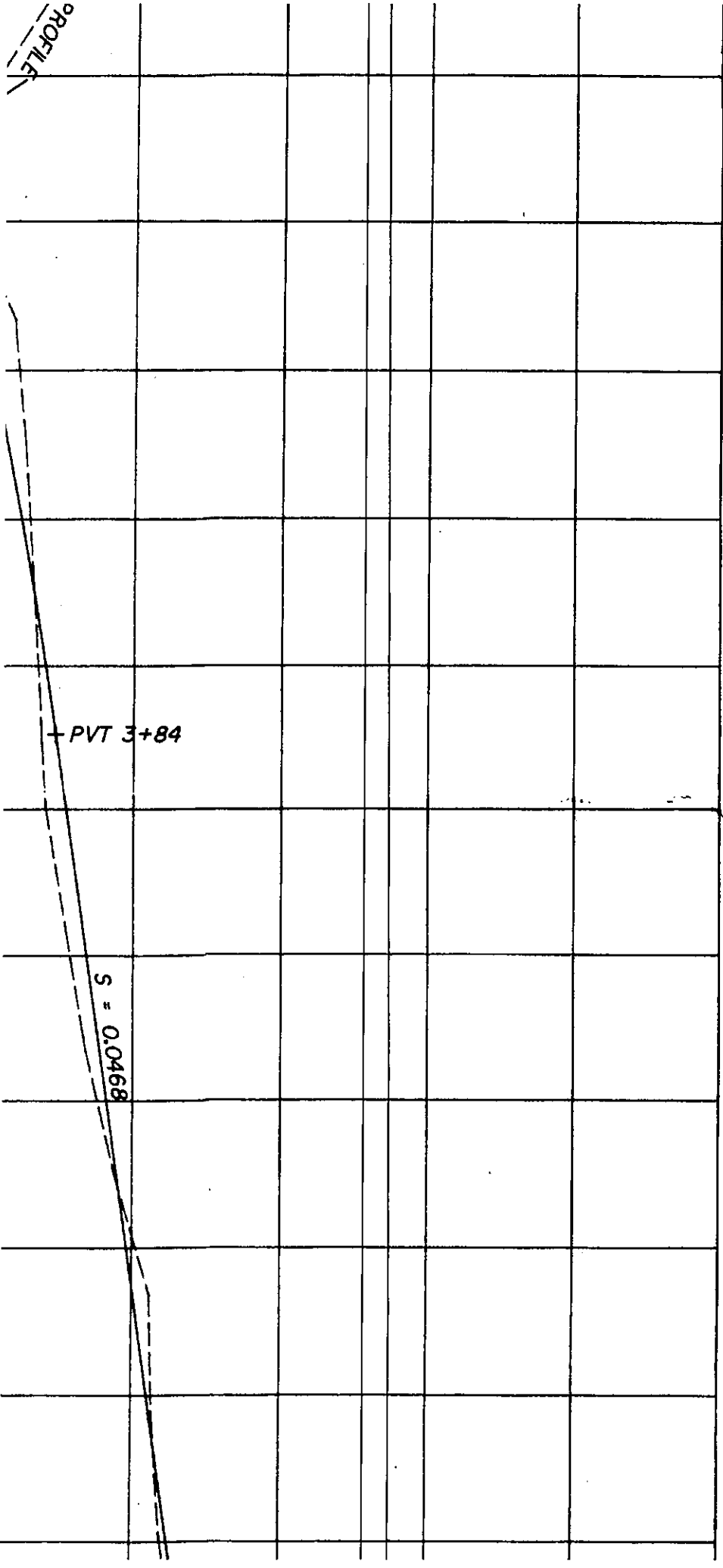


SECTION A-

PROFILE

+ PVT 3+84

S = 0.0468





**Karen Malcom**

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**From:** Bryan Haas <haas@mtaonline.net>  
**Sent:** Tuesday, May 09, 2017 8:30 AM  
**To:** kmalcom@petersburgak.gov.  
**Subject:** Request for rezoning of Lots 14 and 15, 751 and 753 Mitkof Highway

RECEIVED  
5/9/17 8:30AM KM

Dear Planning Commission,

On behalf of the Newell and Haas families, please deny this request. We represent ownership of several lots in this area. Our property was purchased and developed for residential use. An Industrial District zoning of lots 14 and 15 will negatively impact our enjoyment of our properties as well as it's value. Simply put the noise generated by such an operation will not be contained by its property lines and will be a nuisance to neighbors.

We like most people that live out the road do so for the quality of life it offers. Zoning is what protects this quality of life.

A plan was put in place that allows the owners of lots 14 and 15 to access the resources on the property and minimize the negative impact on the surrounding neighbors. Eliminating the restrictions on these lots would be a violation of the trust we have in Planning Commission to protect our quality of life.

Respectfully

Bryan Haas and Donald Newell

**Karen Malcom**

RECEIVED  
5/15/17  
KM

**From:** Don <ashton.homes@hotmail.com>  
**Sent:** Monday, May 15, 2017 5:53 AM  
**To:** Karen Malcom  
**Subject:** Fw: Re-Zone application "Cooks" lots 14 and 15, 751 & 753 Mitkof Hwy

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**From:** Don <ashton.homes@hotmail.com>  
**Sent:** Monday, May 15, 2017 7:42 AM  
**To:** kmalcom@petersburgal.gov; Bryan Haas  
**Subject:** Re-Zone application "Cooks" lots 14 and 15, 751 & 753 Mitkof Hwy

From; Don and Joan Newell  
1950 S Channel Way  
Eagle, Idaho 83616

To; Community & Economic Development Dept. of Petersburg Borough  
C/O Liz Cabrera

Subject; Re-zone application from Raleigh and Marsha Cook

Dear Liz;

My wife (Joan) and I are writing this letter to voice our deep concern and objection to the proposed re-zoning application under consideration by the Borough. We along with our Brother and Sister in-law Bryan and Lisa Haas purchased our neighboring parcels (01174080,01174070,01174150,01174160 and 01174162) over 10 years ago in anticipation of building our "Dream" cottages which we have since accomplished.

We strongly oppose allowing a commercial operation of any kind on these neighboring parcels including any type of Mining, Fabrication or Manufacturing.

Sincerely  
Don & Joan Newell

APPLICATION FOR CONDITIONAL USE PERMIT  
CITY OF PETERSBURG  
PLANNING AND ZONING  
BOX 329  
PETERSBURG, AK 99833

ORDINANCE.

I. The undersigned hereby applies to the City of Petersburg for a conditional use permit: City of Petersburg, Public Works Department.

II. Description: (use additional paper if necessary)

Legal description of the area for the conditional use permit: Portion GL 14, Sec 35.

Lot size: .64 Acre

Existing zoning: Rural Residential

III. Application information:

Explain details of the proposed development: The City of Petersburg, Public Works Department proposes to develop a gravel pit for the removal of approximately 30,000 yards of gravel each year to the existing grade of the adjacent properties. This gravel will be used as cover materials at the landfill site. The site contains approximately 300,000 yards of gravel within its boundaries. Removal of material will be periodically through out the year, approximately 3 or 4 days each month.

Explain schedule of timing of the development program: Each month the city may spend up to \$5000 for a private enterprise to haul cover material to the city landfill site, so it is important that we be allowed to begin as soon as possible. We wish to begin development of the site immediately following the approval of a special use permit. Periodically through out the year Public Works will haul cover material from the site, but continuous work within this area will not occur year around.

Explain how your application meets these conditions:

proposal should not be in any conflict with these business's.

The city will do necessary safe guards such as settling basin for drainage, gate at entrance (the site will not be visible from the highway) and fencing if necessary.

Note: In granting a conditional use permit, the commission shall state the conditions required. Any such condition must be complied with. Violation of any condition shall result in revocation of the permit and further use of the property or maintenance of any building thereon shall constitute a violation of this title, and shall be punishable accordingly.

A cosmetic 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.

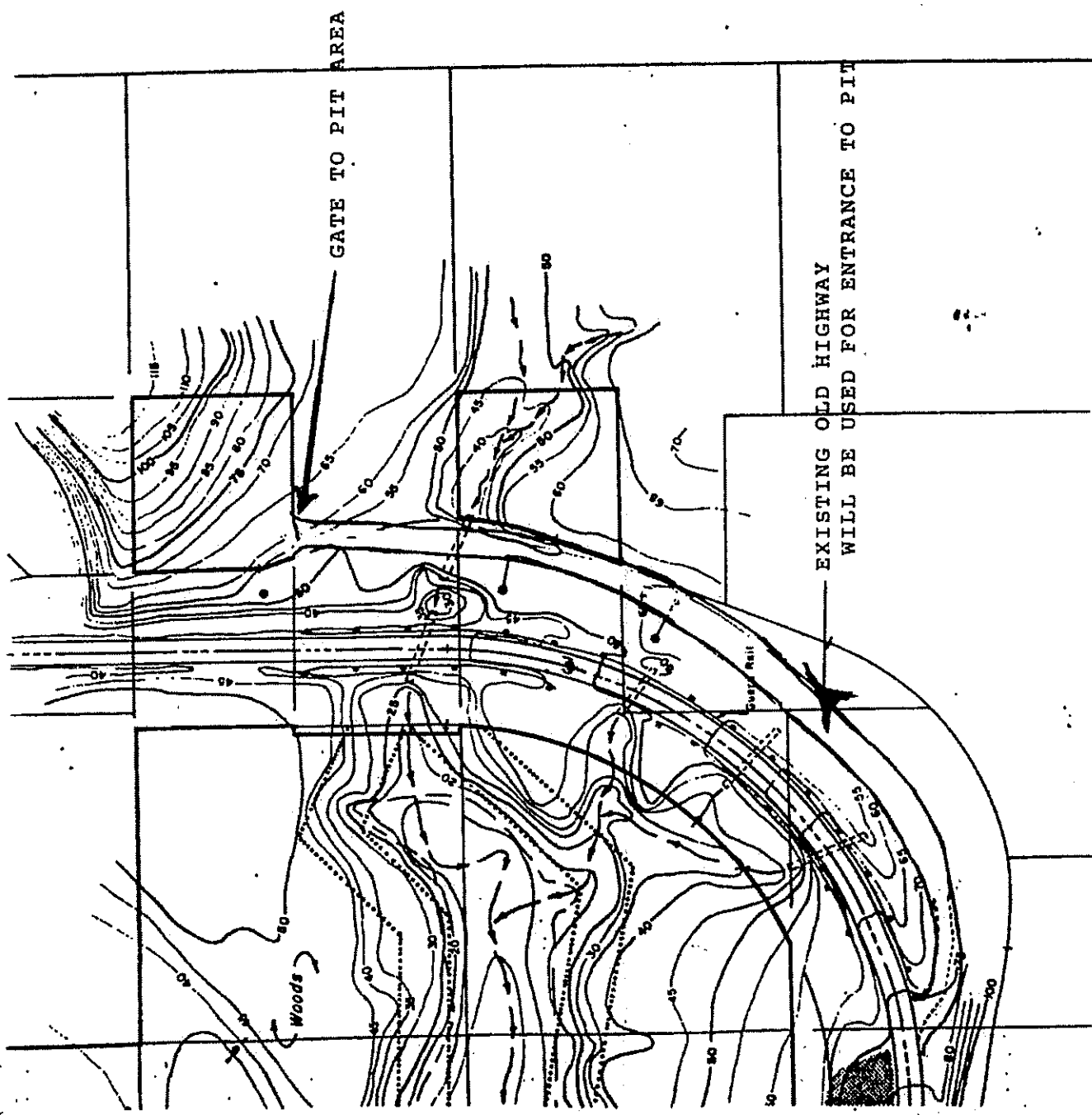
I hereby affirm the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein.

City of Petersburg, Public Works Dept.  
print petitioner's name

Eli Lucas, June 11, 1991  
signature of the owner of the land in petition area date

P.O. Box 329, Petersburg, Alaska, 99833 772-4430  
address telephone





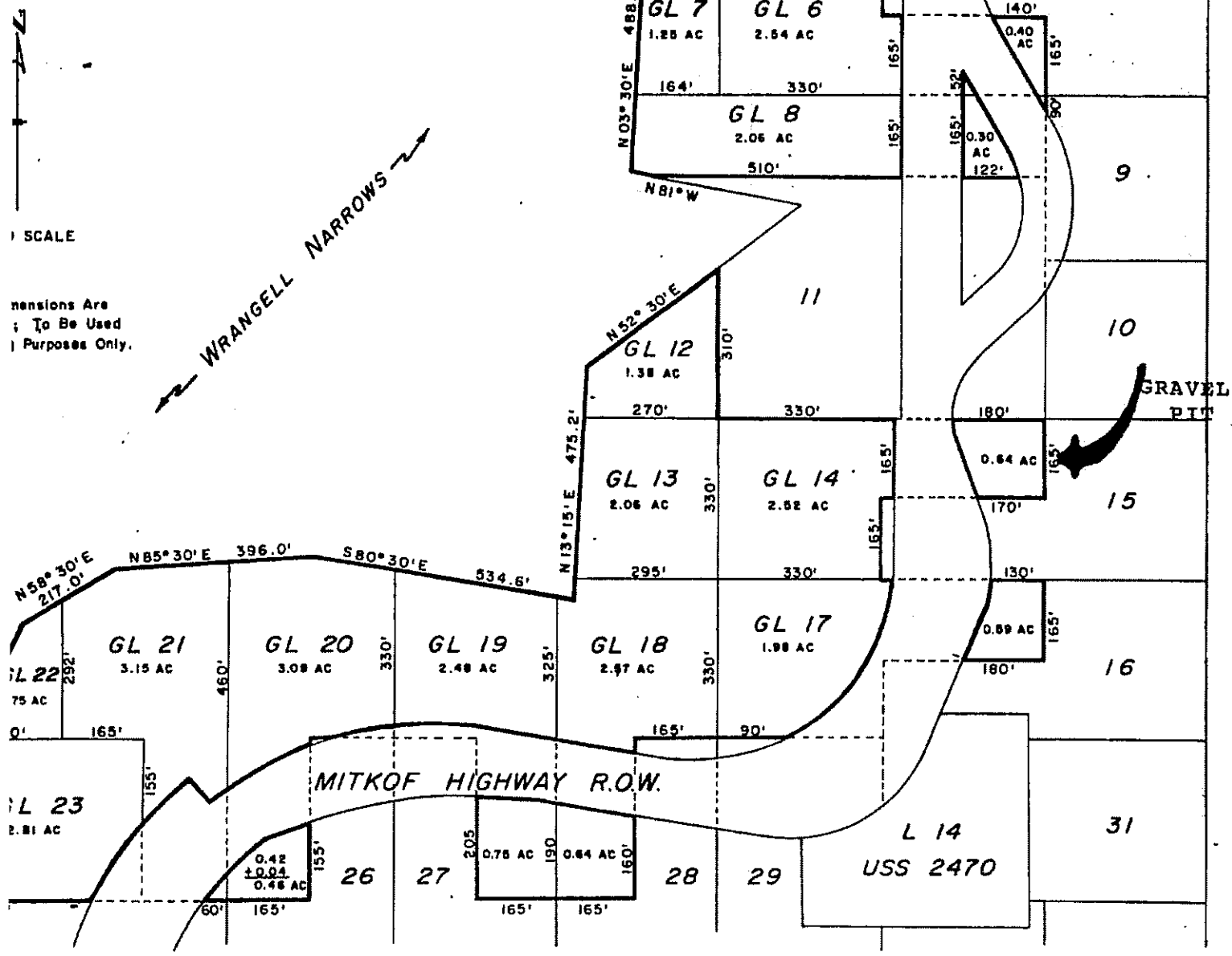
# OWNERS

- GL5 Jack & Mar
- GL6 City of Pe
- GL7 City of Pe
- GL8 City of Pe
- GL9 State of A
- GL10 State of A
- GL11 Phil & Dax
- GL12 City of Pe
- GL13 City of Pe
- GL14 Marvin & f
- GL15 Doris Dool
- GL16 City of Pe
- GL17 City of Pe
- GL18 City of Pe
- GL19 City of Pe
- GL20 City of Pe
- GL21 City of Pe
- GL22 City of Pe
- GL23 State of J
- GL24 Mavis Waa
- GL26 Russell B
- GL27 Anita Mori
- GL28 Eric & Kai
- GL29 Dave John
- GL31 State of J
- GL34 USS2470

## TWIN CF SITE SU

.PORTION SECTION 31  
T59S, R79E, C.R.1  
CITY OF PETERSBURG  
P.O. BOX 329  
PETERSBURG, ALASKA 99

## 35





## CITY OF PETERSBURG

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Community Development

P.O. Box 329

Petersburg, Alaska 99833

(907) 772-4533 FAX (907) 772-4876

April 1, 1997

Mark Weaver  
P.O. Box 1181  
Petersburg, AZ 99833

Re: Conditional use permit.

Dear Mark;

At the regular meetings on January 14 and February 11, 1997, the Planning and Zoning Commission conducted a public hearing and on March 25, 1997 considered your request for a conditional use permit to allow a gravel borrow pit at Tax Lot 14-420, located at 753 Mitkof Highway.

The commission took the following action;

(from the minutes of the March 25 meeting)

7a. Consideration of a request from Mark Weaver

Motion to grant the request.

Chair Clowery read a letter from Mark Weaver describing his plans for reclamation of the borrow pit.

Staff reported that he felt comfortable with the proposed reclamation plan.

Chair Clowery asked if weather conditions might delay the reclamation.

Mark Weaver said that this could happen, but reclamation would occur sooner if it looks like excavation will pass the marker that year.

Darlene Clausen and George Rice stated their concerns over noise and traffic.

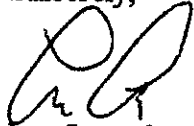
C. Demko stated that he felt that in the long run the plan will improve surrounding properties.

Chair Clowery read the conditions of approval.

The motion to grant the request carried 4 - 0.

I am including a copy of the approved conditional use permit with this letter, and the Planning Department will keep the original on file.

Sincerely,

A handwritten signature in black ink, appearing to be 'Leo Luczak', written in a cursive style.

Leo Luczak  
Director of Community Development

enclosure



MARK WEAVER  
P.O. BOX 1181  
PETERSBURG, AK 99833  
PHONE: 772-4464

MARCH 19, 1997

PLANNING & ZONING COMMISSION  
PETERSBURG, AK 99833

RE: LOT 14-420

RECLAMATION PLAN FOR LOT 14-420 AT 753 MITKOF HIGHWAY, PETERSBURG. THE INTENDED USE FOR THIS PROPERTY IN NOT A GRAVEL PIT, BUT AN AREA FOR A BUILDING AND PAD. TO PUT A BUILDING ON THIS LAND REQUIRES REMOVING BARROW DOWN TO DESIRED LEVEL FOR PAD AND BUILDING. TWIN CREEK TRAILER PARK WAS BUILT ON LAND THAT WAS EXCAVATED JUST AS MY LAND MUST BE. BEING IN THE EXCAVATING AND TRUCKING BUSINESS AND NEEDING MATERIAL FOR A PROJECT, IT WAS COST EFFECTIVE TO DEVELOP THIS LAND AND USE THE MATERIALS. I ALSO INTEND TO SELL SOME OF THE RESOURCES REMOVED FROM MY LAND.

RECLAMATION WILL BE DONE AS DEVELOPMENT ALLOWS. SLOPING OF SIDES WILL BE DONE AS TO PREVENT EROSION AND TO ALLOW GROWTH OF GROUND COVER AND GRASS. FLOOR AREA WILL BE FLAT WITH SLIGHT SLOPE TO ALLOW DRAINAGE AND KEEP FLOOR FROM STANDING WATER. PROPER DITCHING WILL BE DONE AND FABRIC WILL BE INSTALLED TO FILTER WATER DRAINAGE.

THE FRONT NORTH CORNER IS MARKED WITH A SURVEY STAKE WHICH WILL REMAIN. A 4 X 4 WOOD PAINTED POST OR 2" STEEL PIPE WILL BE INSTALLED 150' FROM SURVEY STAKE ON NORTH PROPERTY LINE FOR RECLAMATION MARKER, RECLAMATION WILL BE COMPLETED BEFORE FURTHER EXCAVATION BEGINS.

THIS RECLAMATION PLAN VOIDS ANY AND ALL PREVIOUS RECLAMATION PLANS.

SINCERELY,



MARK WEAVER

PLANNING AND ZONING  
P.O. BOX 329  
PETERSBURG, ALASKA 99833

- I. Applicant(s): MARK WEAVER
- II. Description: (use additional paper if necessary)  
Legal description of the area requested for the conditional use permit:  
GL 15, SEC 35  
TL - 14 - 420  
Lot(s) size of the petition area: 3.27 ACRES  
Existing zoning of the petition area: RURAL RESIDENTIAL  
Type of conditional use applied for: GRAVEL PIT

III. (A) Application Information: (use additional paper if necessary)

Explain details of proposed development: SEE ATTACHED SHEETS

(B) Explain schedule of timing of development program: SEE ATTACHED SHEETS

A conditional use permit conditions of approval:

The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and the neighboring property.

The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place.

The commission shall require the conditional user to take those steps necessary so that the permitted conditional use will not be offensive because of injuries and noxious noise, vibrations, smoke, gas, fumes or odors or will not be hazardous to the community because danger of fire or explosion.

(C) Explain how your application meets these conditions: SEE ATTACHED SHEETS

Note: In granting a conditional use permit, the commission shall state the conditions required. Any such condition must be complied with. Violation of any condition shall result in revocation of the permit and further use of the property or maintenance of any building thereon 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.

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.

Mark Weaver  
Signature of Applicant

SAME  
Signature of the Owner(s) (if different than above)

11/05/96  
Date

777-44626



III (A) A GRAVEL PIT WILL BE DEVELOPED ON THE UPHILL NORTHERN PORTION OF LOT 15. THE PIT AREA WILL BE EXTENDED BEHIND THE CITY OF PETERSBURG'S PIT AREA. THE CITY OF PETERSBURG AND MYSELF ARE NEGOTIATING A TRADE WITH THEIR OLD PIT SITE FOR GRAVEL FROM MY PIT SITE. IF AN AGREEMENT IS REACHED I WILL ENTER FROM OLD CITY PIT AREA (SEE ENTRY (A)). IF WE DO NOT TRADE LAND FOR MATERIALS THEN ENTRY (B) WILL BE USED.

(B) DEVELOPMENT OF PIT AREA WILL COMMENCE AFTER NEGOTIATIONS WITH CITY FOR MATERIALS TRADE HAS ENDED OR LATE WINTER IF WEATHER PERMITS. IF CITY LAND IS TRADED AND ENTRY IS THROUGH OLD PIT AREA, REGRADATION WOULD NEED TO BE DONE ON OLD PIT. PIT WALLS FACING TWIN CREEK RV PARK NEED TO BE SLOPED AND SEeded WITH GRASS. ENTRY NEEDS TO BE GATED. PERMEABLE DRAINAGE NEEDS TO BE ESTABLISHED AND FILTER FABRICS NEED TO BE PUT IN PLACE. A SETTLING POND NEEDS TO BE BUILT FOR RUN OFF. PROPERTY BOUNDARIES NEED VISABLE MARKINGS AND AREA WILL BE POSTED.

LOT 15 WILL BE EXCAVATED IN A MANNER WHICH WILL ALLOW THE FINISHED LOT TO BE LEVELED OR BENCHED AS TO BE A USABLE PROPERTY. WHEN GRAVEL SUPPLY IS EXHAUSTED THE INTENT IS TO HAVE A USABLE PROPERTY WHEN PROJECT IS DONE.

(C) THE OLD CITY PIT (IF PURCHASED) WILL HAVE A BERM WALL APPROX. 20 FEET HIGH BETWEEN TWIN CREEK RV PARK AND PIT AREA FOR VISUAL AND NOISE ABATEMENT. A BERM WILL ALSO BE LEFT ALONG HIGHWAY WITH A GATE ACROSS ENTRY. THE BERM AREAS WILL BE PLANTED IN GRASS.



① CARE WILL BE TAKEN TO FILTER WATER RUN OFF BEFORE LEAVING PIT AREA. PIT WILL BE USED PART TIME AND MOSTLY SEASONAL. THE INTENT IS TO SUPPLY PETERSBURG WITH GRAVEL/SOL MATERIAL FOR SOME YEARS TO COME.

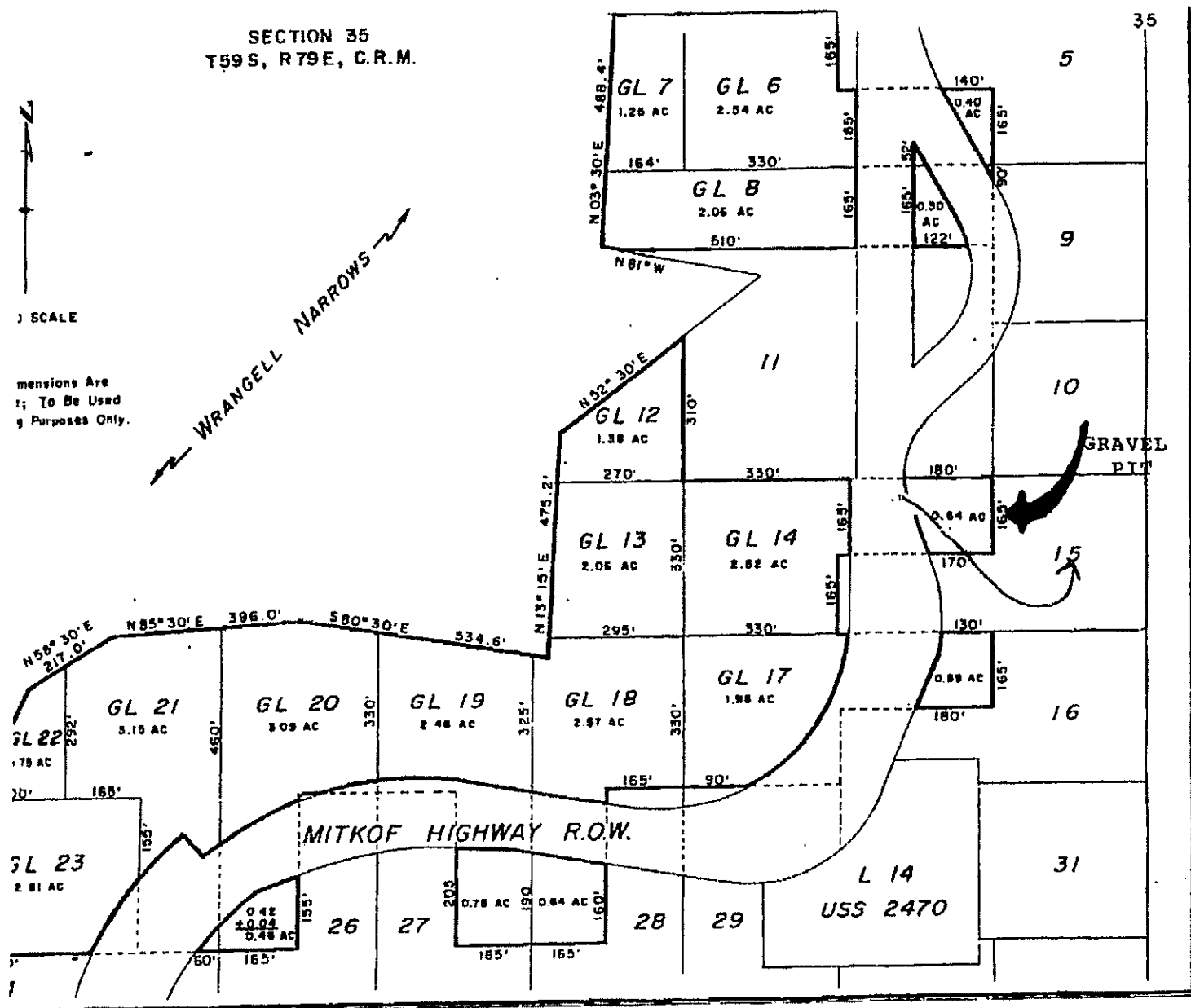
RECLAMATION WILL BE AN ONGOING PROJECT AS EROSION IS A CONCERN AND CAN BE AVOIDED WITH PROPER SLOPING AND SEEDING. THE SUPPLY OF THIS TYPE OF MATERIAL IS LIMITED IN PETERSBURG AND THE DEVELOPMENT OF THIS SOURCE WOULD BE VALUABLE TO THE COMMUNITY.

Mark Jones

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measurements are  
to be used  
for purposes only.

WRANGELL NARROWS



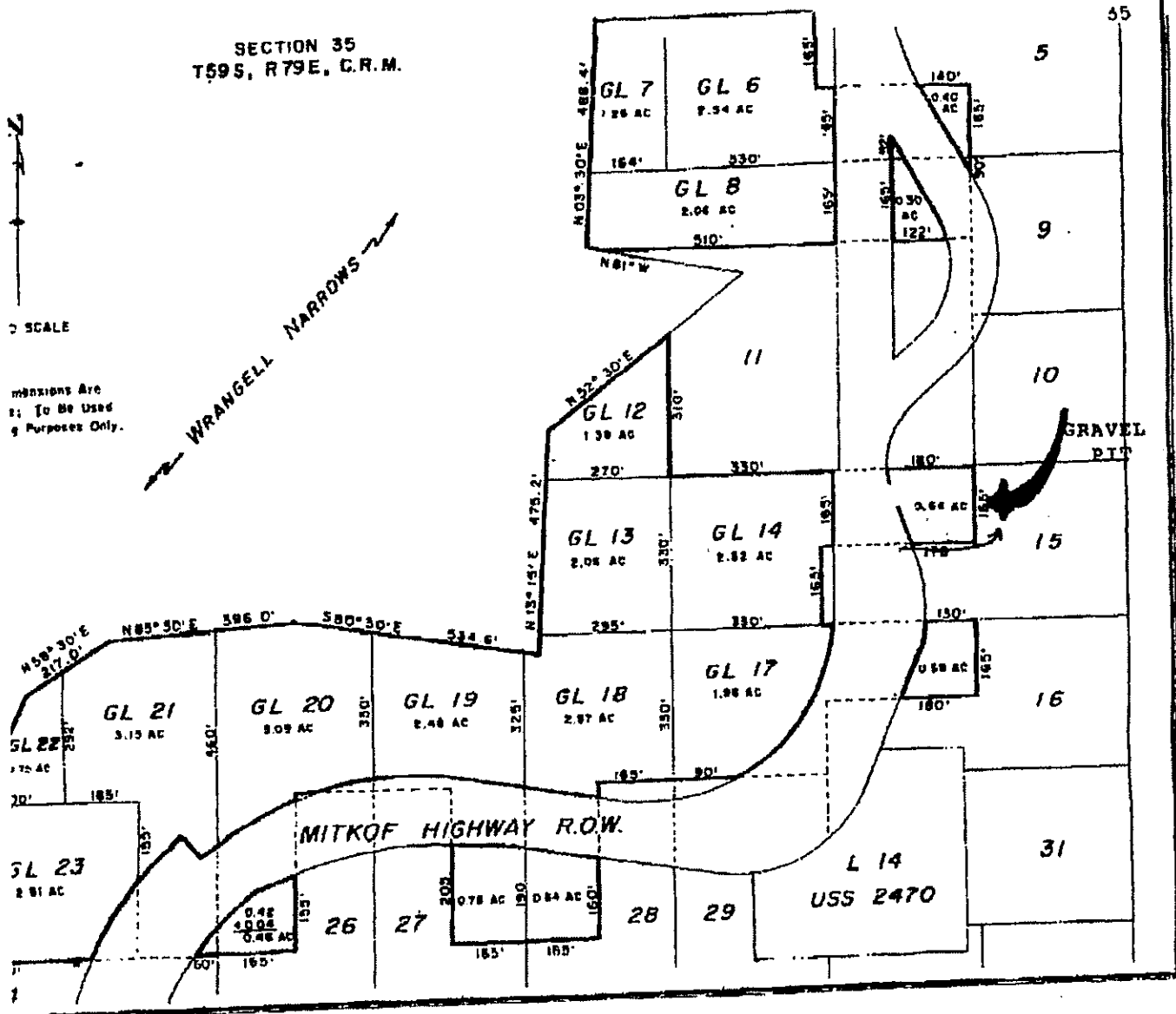
ENTRY (A) PURCHASE PORTION OF LOT 14  
(ALL OF 0.64 AREA) AND ENTER FROM EXISTING  
ROAD AND PIT AREA.

↑ N

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missions Are  
to Be Used  
for Purposes Only.

WRANGELL NARROWS



ENTRY (B) ENTER FROM HIGHWAY ONTO  
LOT 15, BYPASSING LOT 14.

↑ N