

## **Planning Commission Staff Report**

Meeting date: October 25, 2016

Report updated: 10/25/2016

**TO:** Planning Commission

**FROM:** Liz Cabrera, Community & Economic Development Director  
Joe Bertagnoli, Building Official

**Subject:** Vacation of Public Access Easement – Parcel 01-014-125  
Petersburg Borough

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**Recommendation to Borough Assembly:** Vacate 50' public access easement at 919 Sandy Beach Road and establish a 20' private access and utility easement.

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

1. An application for vacation of an easement and fees were submitted by Petersburg Borough (applicant) on June 2, 2016. The application was accepted and scheduled for a public hearing on June 14, 2016.
2. Applicant is requesting vacation of a 50' wide public access easement along the southern property line to MHW.
3. Subject parcel is 1.33 acres and undeveloped. There is water/sewer/electric service at the Sandy Beach Rd ROW.
4. The zoning district for the area is public use. There is a concurrent application before the Commission to rezone the property to single-family residential. The surrounding area developed single-family residential area.
5. Legal and practical access to the property is via a public access easement located on adjacent lots (Lot JK and LA) as described in USS 3276 and rededicated in Plat# 2004-6.
6. The public easement located across Lot N, USS3276 was vacated by Resolution 956-R.
7. Approximately 1,200 feet to the south, Sandy Beach Park provides public access to a recreation area, cultural and historic resources, and tidelands.
8. Future land use for the subject parcel is WATERFRONT B, defined as 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. Hearing notices were mailed to property owners within 600 feet of the subject parcel on July 6, 2016.
10. On August 23, 2016, a duly noticed public hearing was held by the Petersburg Borough Planning Commission. The commission postponed action on this item until the October 25, 2016 meeting.

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11. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments:
  - a. Letter from Kris Norosz – Attached.

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

1. Public access to tidelands and historic resources is provided to the south of the subject easement so vacation of the subject easement would not diminish public access to cultural and historic resources and tidelands in the area.
2. There does not seem to be any established trail or historic use of the easement on the subject parcel, except for a small pullout adjacent to Lot N, which encroaches onto Lot 10.
3. The existing easement is quite large and limits development options on the parcel and prevents a future private owner from full use of their property.
4. Vacating the easement will not alter setback requirements on the property.