

Planning Commission Report

Meeting date: April 4, 2016

TO: Borough Assembly
FROM: Planning Commission
Subject: Vacation of Pedestrian Access Easement – Parcel 01-203-080
Paul & Mara Lutomski

Recommendation: Vacate public pedestrian access easement at 804 Mitkof Highway.

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

1. An application for vacation of an easement and fees were submitted by Paul & Mara Lutomski (applicant) on September 18, 2015. The application was accepted and scheduled for a public hearing on October 13, 2015.
2. Applicant is requesting vacation of a 25' wide public pedestrian access easement that runs from Mitkof Highway along their side property line to MHW.
3. Subject parcel is 1.37 acres and undeveloped.
4. The zoning district for the area is rural residential. The surrounding area is a partially developed with dwellings.
5. Approximately 680 feet to the south, a 33' wide public pedestrian access easement exists along a creek. This easement extends from Mitkof Highway to MHW.
6. Approximately 450 feet to the north, a 50' state right-of-way provides access from Mitkof Highway to MHW.
7. Hearing notices were mailed to property owners within 600 feet of the subject parcel on October 24, 2015.
8. On November 10, 2015, a duly noticed public hearing was held by the Petersburg Borough Planning Commission.
9. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments. There were no objections from neighboring property owners.
10. At their November 10, 2015 meeting, the Planning Commission approved a vacation of 5' of easement, leaving a 20' easement in place.
11. Property owners requested a reconsideration of the November 10, 2015 decision.
12. At their December 8, 2016, the Commission reconsidered their action and approved vacating the entire 25' easement.

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

1. Public access to tidelands is provided to the north and south of the subject easement so vacation of the subject easement would not diminish public access to tidelands in the area.

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2. There does not seem to be any established trail or historic use of the pedestrian easement.
3. The subdivision, as approved by the Planning Commission in 2006, created substandard lots by allowing less than the minimum required road frontage within the rural residential district (200 ft.). The existing pedestrian easement further limits development options on the parcel and prevents owner from full use of their property. This is an unfair burden to the property owner given there are other public access points nearby.
4. Vacating the easement will not alter the 20' side-yard setback requirement required by PMC 19.16.070. Property owner would need to obtain a variance to construct any structure within the setback.