



Meeting Minutes Planning Commission

Tuesday, December 10, 2013

2:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Ronn Buschmann attended via teleconference.

Present: 7 - Susan Thomason, Vice Chair Ronn Buschmann, James Demko, Dave Kensinger, Dona Malhoit Laubhan, Otis Marsh and Chris Fry

2. Approval of the previous meetings minutes

A motion was made by Commissioner James Demko, seconded by Commissioner Chris Fry, that the previous meeting minutes be approved. The motion carried by a vote of

Yes: 7 - Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

A. 13-369

Minutes of the November 12, 2013 meeting.

3. Amendment and approval of agenda

A motion was made by Commissioner James Demko, seconded by Commissioner Otis Marsh, that this agenda be approved. The motion carried by a vote of

Yes: 7 - Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry



4. Public Hearing

A. PZ#13-012

Consideration of a request from Phillip and Sandy Meeks for a variance of the front and side setback requirements to allow the construction of a carport 15 feet from the front property line and 10 feet from the side property line on Tract B2 of the Lighthouse Subdivision, parcel 1001872.03, located at 110 Somerset Lane.

Staff sent letters to all property owners within 600 feet



PZ#13-016

Consideration of a request from Richard Burrell for a change in zoning classification from Single Family Residential to Industrial for parcel 1001596.03, located at 105 Arness Drive.

Staff sent letters to all property owners within 600 feet. Luczak read 4 letters from John Murgas, Ray Olsen, Jr. and Alan Murph into the record. Discussion on the different zoning types.

Pat Weaver, an adjacent property owner, spoke in favor of the request as long as there are covenants set.

C.

PZ#13-017

Consideration of a request from Aaron and Katrina Miller for a change in zoning classification from Single Family Residential to Industrial for parcel 1001596.04, located at 107 Arness Drive.

Discussed under item 4B.

5. Visitors' views related to agenda items

None

6. Visitors' views unrelated to agenda items

None

7. Report of staff members

Luczak reported on the status of the Comprehensive Plan. Discussion.

- 8. Unfinished Business
- A. PZ#13-012

Consideration of a request from Phillip and Sandy Meeks for a variance of the front and side setback requirements to allow the construction of a carport 15 feet from the front property line and 10 feet from the side property line on Tract B2 of the Lighthouse Subdivision, parcel 1001872.03, located at 110 Somerset Lane.

Luczak explained the request.

Discussion. Laubhan spoke with the Meeks' and said they would prefer to have a 5 foot instead of 15 foot setback on the front of the property. Staff explained that we would need to notify the adjacent property owners.

A motion was made by Commissioner Dave Kensinger, seconded by Vice Chair Ronn Buschmann, that this Planning Item be postponed. The motion carried by a vote of Yes: 7 - Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko. Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

B. PZ#13-016



Consideration of a request from Richard Burrell for a change in zoning classification from Single Family Residential to Industrial for parcel 1001596.03, located at 105 Arness Drive.

The current owners and the Weavers are intending to enter into a covenant which will include the requirement to construct an 8 foot fence on two sides and establish a 20 foot green belt on the lot.

The members discussed the zoning request and decided Commercial Zone 2 would be more appropriate.

The members discussed the requirements for recommending a change in zoning classification to the Borough Assembly and found that the request satisfied the requirements due to the fact that there were no objections from the adjacent property owners, and the proposed covenant, along with the requirement of a screening from the street side, would help mitigate the impacts to the residential neighbors.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Chris Fry, that this Planning Item be recommended for approval. The motion carried by a vote of

Yes: 7 - Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko, Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner Marsh and Commissioner Fry

C. PZ#13-017

Consideration of a request from Aaron and Katrina Miller for a change in zoning classification from Single Family Residential to Industrial for parcel 1001596.04, located at 107 Arness Drive.



Discussed under item 8b. The members discussed the zoning request and decided Commercial Zone 2 would be more appropriate.

A motion was made by Commissioner Dave Kensinger, seconded by Commissioner Chris Fry, that this Planning Item be recommended for approval. The motion carried by a vote of

Yes: 7 - Chairperson Thomason, Vice Chair Buschmann, Commissioner Demko.
Commissioner Kensinger, Commissioner Malhoit Laubhan, Commissioner
Marsh and Commissioner Fry

9. New Business

None

10. Discussion items

None

11. Adjournment

3:15 P.M.

Richard Burrell PO Box 1869 Petersburg, AK 99833

January 16, 2014

Alaska.

Petersburg Borough PO Box 329 Petersburg, AK 99833

Petersburg Borough Assembly;

RE: Conditions for Rezoning: Request for zoning status to be amended from Single Family Residential to Commercial 2.

Richard Burrell owns the property located at 105 Arness Heights Drive, Parcel #1001596.03
Lot 3, Subdivision of Tract B, Olsen Subdivision of a portion of H.E.S.
38, according to the plat thereof filed October 6, 1986 as Plat No.
86-16, Petersburg Recording District, First Judicial District, State of

I would like to propose the following conditions for the rezoning of the above referenced property, Burrell Parcel:

- > Along the east boundary of the Burrell Parcel, which is the boundary that fronts on Arness Heights Drive, a 20 foot wide green belt will be established as a buffer. The green belt will consist of alder trees that will be planted and other vegetation natural to the area. Such vegetation will generally be allowed to grow in its natural state except that I will, from time to time, thin out the larger alder and other trees, with a butt diameter in excess of four inches.
- ➤ In order to establish access from Arness Heights Drive to the Parcel, which would necessarily pass through this east boundary, I will construct a driveway access from Arness Heights Drive, which will result in a void in the green belt for the width of that access driveway. Such driveway will not exceed a width of twenty (20) feet.
- Along the same east boundary, a wood fence not less than 8 foot high will be constructed. More specifically, this will be constructed to the west of the twenty (20) foot green belt. In this aspect also, because driveway access from Arness Heights Drive to the Parcel would be through this east boundary, then, as and

when such a driveway may be constructed, there would be a gate or void in the fence for the width of the driveway, which will not exceed twenty (20) feet.

➤ No rock crushers, asphalt plants or cement plants will be placed in operation on the Burreli Parcel.

These conditions shall remain in effect so long as the zoning applicable to the Burrell Parcel is Commercial 2.

Thank you,

Richard Burreli

PS 11/12/13 Vala

Aaron & Katrina Miller PO Box 2144 Petersburg, AK 99833 #907-772-2194

November 12, 2013

Petersburg Borough PO Box 329 Petersburg, AK 99833

Planning & Zoning Commission

Attn: Leo Luczak

Re: Zoning Change Application

Parcel #1001596.04; located at 107 Arness Heights Drive

Zack M. Inc. (Aaron & Katrina Miller) owns the property at 107 Arness Heights Drive. This property is zoned residential and we are formally requesting a zoning change to industrial.

This current property has a conditional use permit for a net shed. The lot is 180'x198'. The permit requirements are as follows: 100' set back from the property line at Arness Heights Drive, a 50' setback from fence to lot 5 and a 10' setback from fence to lot 3 property line. The net shed shall not exceed 60'x40'. Construct an 8' cyclone or wood fence to be installed on the setback lines. It is optional on the property line that abuts the industrial zoned lots at Hungerford Hill.

We offer the following as justification to support our request:

- 1. The area that was given in our conditional use permit is not a big enough area for us to safely work and store our fishing gear.
- 2. We need more room to store our crab pots and be able to move them and work on them safely (area given is not big enough for a crane truck & moving pots).
- 3. Our lot abuts up against industrial and commercial lots.
- 4. We have put a lot of money, rock borrow and time into this lot.

- 5. We think that the borough should support fishing gear on this lot.
- 6. We keep expanding our fishing business hence we need more area on our lot to store the gear.
- 7. We feel that we can keep our area clean and hide the fishing gear behind a fence.
- 8. We provide fishing jobs in our community.

Our plan if we get the lot rezoned to industrial is: We will leave a 20' green belt between Arness Heights Drive and where the property fill will start (except where our driveway access is). We will do a covenant that will state we will install an 8' wood fence around the property and keep it maintained. There will be no fence where it abuts the industrial lots on Hungerford Hill.

If you have any questions please call us anytime.

Sincerely,

Aaron & Katrina Miller



Rock-N-Road Construction, Inc. P.O. Box 1188 - Portal

P.O. Box 1188 · Petersburg, AK 99833
Phone 907-772-3308 · Fax: 907-772-2268
rocknrd@ak.net

Petersburg Borough
PO Box 329
Petersburg, AK 99833
Leo Luczak
Planning & Zoning Commission

Dear Members of Planning & Zoning,

RE: Zoning Change Application Parcel #1001596.03; 105 Arness Heights Drive

Rock-N-Road Construction, Inc. (RNR) owns parcel #1001596.03, located at 105 Arness Heights Drive. This lot shares a common property line with RNR property which is zoned *Industrial*, the shared property line is 187' in length. Parcel 1596.03 is also bordered on the south side, 213' in length, by Lot 2, an industrial zoned property. The surrounding area is predominantly industrial and commercial. Parcel #1596.03 is zoned *Residential* and we are formally requesting a zoning change to *Industrial*.

Rock-N-Road Construction, Inc., located at 112 Hungerford Hill Rd, has served the construction needs of Petersburg for 33 years. During that time our fleet of equipment has grown and continues to expand and our equipment yard space has been maximized.

We purchased parcel #1596.03 in 2004 with the specific, *stated*, intent of using it to store RNR equipment, making it accessible to our maintenance shop building during the winter months for annual maintenance and repair in our off-season. During our work season, April-November, we store our overflow at the rock quarry or the equipment is on the job site. During the winter months we are unable to store equipment in the rock pit because we cannot access the quarry due to ice and snow on the roadway. Purchasing this well-situated and available property and using it for additional yard space as needed, resolved the issue.

We believe that a zoning change from residential to industrial is justified and would bring us into compliance.

We offer the following justifications to support our request:

- 1. RNR has been at this location, 112 Hungerford, for 33 years.
- 2. The Hungerford Hill Rd vicinity is and has been historically and predominantly used for commercial and industrial purposes.
- 3. RNR (112 Hungerford) is bordered on three sides by industrial/commercial property. Parcel 1596.03 is bordered by industrial zoned property on two sides and by a third lot Lot 4, that is used for equipment storage.



Rock-N-Road Construction, Inc.

P.O. Box 1188 • Petersburg, AK 99833

Phone 907-772-3308 • Fax: 907-772-2268

rocknrd@ak.net

- 4. At the time of purchase our business objectives for use of the property were discussed with Mark Weaver, the previous owner of #1596.03. Mr. Weaver did not voice any objection to our plans, so we followed through and purchased the property to store our equipment.
- 5. In the event that a zoning change is granted, it has been agreed with Mr. Weaver to enter into a covenant restricting the use of the property: RNR will not place any asphalt or cement plants on this property, it will continue to be used only for the parking of our equipment, and we will construct an 8' fence on two sides and establish a green belt of 20'. We will plant trees to provide a barrier and improve the view for residential property owners.
- 6. The residential sub-division was developed more recently with full knowledge of the character of the neighborhood. Lots 3-7 are all bordered on the west by developed industrial lots.
- 7. We have been using this property, #1596.03, as we intended for 9 years.
- 8. In consideration of the residential neighbors, we have only used the property as intended for interim equipment storage. We have not built a building or placed any other long-term business structure on the property, nor do we intend to.

It is therefore critical to the operation of our business that we are able to maintain the property as an interim equipment storage lot as we have done for the last 9 years without issue. We respectfully request your serious consideration of our application for a zoning change of parcel #1596.03 at 105 Arness Heights Dr., from *Residential* to *Industrial*.

Thank you,

Richard Burrell President

ISLAND VENTURES LLC 200 Olsen Ave., P.O. Box 966 Petersburg, AK 99833 907-772-3909

Sept. 8, 2013

Petersburg Planning Commission Petersburg, AK 99833

Dear Members,

I am writing regarding the article in the August 22, 2013 Pilot "P&Z to resolve long standing zoning citation" concerning property owned by Richard Burrell. I am guessing this pertains to the lot(s) on Arness Heights Drive immediately east of the Rock n Road Inc. business sight. I own property less than 200 feet from the subject Burrell lot(s) and daily drive by them. I was totally unaware of any controversy over land use of the subject lots.

I have 2 concerns:

First, after reading the newspaper article I looked more closely at the use of the subject property. To me, that use appears consistent with present land use of the local Scow Bay area. If the subject Burrell lot(s) is zoned residential, please consider rezoning or a conditional use permit allowing commercial/industrial use. (My property, less than 200 feet away, is zoned industrial.) I realize the newspaper article may not be accurate, but it infers the lot(s) must be vacated. That could cause a severe impact on a major, local business that would not be in the public's best interest.

Second, one does not have to drive very far anywhere in Petersburg, no matter what the zoning classification is, to find many violations of "storage" requirements and limitations as defined in our local Ordinance. Making decisions on what is and is not allowed is subjective, which is legal thin ice. To carry on life in Petersburg, whether you're a commercial fisherman or a general contractor, requires flexibility interpreting storage requirements as listed in the Ordinance.

Thank you for your volunteer service,

John Murgas, Owner/Manager Island Ventures LLC

MEMO

December 8, 2013

To: Planning and Zoning Commission

From: John Murgas, Island Ventures LLC

Subj: Zoning change

Concerning the zoning change requested by Katrina and Aaron Miller, and Richard Burrell, I support both requests. I am an adjacent property owner to the Burrell lot and nearby owner to Miller. Considering land use of the entire Scow Bay area, it makes more sense, and would be in the public's best interest, that both lots are zoned Industrial instead of Residential.

Sincerely,

John Murgas, Owner/Manager

John Murgos

Island Ventures LLC 200 Olson Avenue

PO Box 966

Petersburg, AK 99833

johnmurgas@aptalaska.net

To: The Planning and Zoning Commission

I object to Richard Burrell's and Aaron Miller's lots being changed from residential single family lots to industrial. I don't want to see a continuation of Reid Subdivision into the Olsen Subdivision, where you see a mix of houses, warehouses, trailers, storage yards, shops and junk yards. The zoning is for a reason, to stop this from happening. The question I would like to ask is would you want it to happen where you live? It is not fair to people that have built homes in the Subdivision.

Raymond Olson Jr.

Thank you for your time,

Raymond Olsen Jr.

Alan J. Murph, P.O. Box 625, Petersburg, Alaska 99833

October 17, 2009

To Whom It May Concern;

In 1986, I surveyed and subdivided Tract "B" of Olsen Subdivision in Petersburg, Alaska. The subdivision was done to create 33 residential lots for families to build homes. The area was zoned residential and was suppose to remain residential. It would be unfair to the families that presently have built homes and live in the subdivision to zone those lots anything but residential.

Alan Murph

REFERENCE NUMBER POA-2008-1261

an murph