

CITY OF CRAIG PLANNING COMMISSION AGENDA

Meeting of February 24, 2011
7:00 p.m., Craig City Council Chambers

Roll Call

John Moots (chair), Sharilyn Zellhuber, Lonnie Walters, Bill Russell, Mark Beardsley

Approval of Minutes

1. Approval of January 27, 2011 Meeting Minutes

Public Comment

1. Non-Agenda Items

Public Hearing and New Business

1. CUP 110224 – Dave Nelson Bed and Breakfast

Old Business

1. Kim Patotzka Replat – Code Interpretation and Final Plat Approval

Adjourn

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of January 27, 2011

Roll Call

Persent were John Moots (chair), Sharilyn Zellhuber, Lonnie Walters, Bill Russell, Mark Beardsley.

Also present was Brian Templin (City Planner), Greg Scheff and Chris Piburn.

Reappointment of Planning Commissioners

1. Reappointment and swearing in of Sharilyn Zellhuber and Mark Beardsley. Brian reported that Mayor Schoonover had reappointed both Sharilyn and Mark to new three year terms on the Planning Commission and that the Craig City Council had approved the reappointments. Sharilyn and Mark signed oaths of office and were sworn in for terms ending January 31, 2014.

Approval of Minutes

1. Approval of September 30, 2010 Meeting Minutes. Meeting minutes for the Semptember 30, 2010 meeting were presented for approval. A motion was made and seconded to approve the minutes.

MOTION TO APPROVE WALTERS/RUSSELL APPROVED

Public Comment

1. Non-Agenda Items. There was no comment on non-agenda items.

Public Hearing and New Business

1. Replat 110127A – Craig Firehall Replat – Resolution PC 527-11. Brian reported that the city was continuing to work with Shaan-Seet Inc. on a trade of city and corporation land that would have benefit to both parties. As part of the trade replats were required on the parcels adjacent to the firehall and the old floatplane dock. Brian said that when these plats were approved the surveyor would prepare the third plat based on the final square foot values of the first two plats. Brian said that he had looked over the firehall and old float plane plats and had already made comments to the surveyor which were incorporated into the plats presented to the commission. A motion was made and seconded to approve Resolution PC 527-11, granting approval of the preliminary plat for the Craig Firehall Replat.

MOTION TO APPROVE ZELLHUBER/BEARDSLEY APPROVED

2. Replat 110127B – ATS 212 Replat – Resolution PC 528-11. Brian reported that this was part of the same trade with Shaan-Seet. Brian said that the entirety of ATS212 had to be replatted to allow for a small piece of Lot BT-3 to be replatted. This lot contains the old float plane dock, boat dock and breakwater that Shaan-

Seet has been leasing from the city and uses in conjunction with the Sunnahae Lodge. A motion was made and seconded to approve Resolution PC 528-11, granting preliminary approval of the ATS 212 Replat.

MOTION TO APPROVE BEARDSLEY/WALTERS APPROVED

3. Replat 110127C – Patotzka Replat – Resolution PC 529-11. Brian reported that R&M Engineers had submitted a preliminary replat of Lots 4 and 5, Block 12, USS 1430. These properties are owned by Kim Patotzka. The commission issued a variance to Kim for a structure that he had placed within the 10’ setback along the common lot line between lots 4 and 5. One of the conditions of the variance was that Kim move the structure of replat the lot lines so that the structure was outside of any setbacks. This condition had to be met within 24 months of the variance being approved. This plat accomplishes the condition of the variance set by the Planning Commission. Greg Scheff and Chris Piburn were available to answer any questions about the survey or the plat. Brian said that he had forwarded a number of comments and recommendations to the surveyor to incorporate into the final plat. There were no questions. A motion was made and seconded to approve Resolution PC 529-11, granting preliminary plat approval to the Patotzka Replat, including the Planner’s comments and recommendations.

MOTION TO APPROVE ZELLHUBER/BEARDSLEY APPROVED

4. 2010 Building Permits. Brian said that he included a short recap of the 2010 building permits for the commission’s review. There was some discussion on the permits that were issued. No action was necessary from the commission.

Old Business

1. Final Approval – Port St. Nicholas Subdivision No. 3 (formerly Raven Woods Subdivision). Brian told the commission that the final plat for the PSN No. 3 subdivision had been submitted and was ready for signature. There was some discussion about the subdivision. Brian also commented that even if the commission approved the plat and signed it that the Public Works Director still needed to accept the utility improvements before the plat could be filed. A motion was made and seconded to approve the final plat of the PSN No. 3 Subdivision.

MOTION TO APPROVE WALTERS/ZELLHUBER APPROVED

2. Streetlight nominations. The commission asked how a streetlight location could be nominated for a new streetlight. Brian said that traditionally Public Works has budgeted for a new streetlight each year and that there was a public solicitation and discussion of a location. Brian also said that he didn’t know if one was budgeted for the current year. He said he would find out and would start the public notice for nominations.

Adjourn

A motion was made and seconded to adjourn the meeting.

MOTION TO ADJOURN

WALTERS/ZELLHUBER

APPROVED

John Moots, Chairman

Attest: Brian Templin, City Planner

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report
February 22, 2011

Applicant: Dave Nelson

Requested Action: Conditional Use Permit

Location: 1401 Sunnyside Drive (Lot 27 Windansea Subdivision)

Lot Size: 11,179 SF

Zoning: High Density Residential

Surrounding Uses: North: High Density Residential/Sunnyside Drive/Church
West: High Density Residential
South: High Density Residential
East: High Density Residential

Analysis

Dave Nelson has applied to the City of Craig planning commission for a conditional use permit to operate a Bed and Breakfast, located at 1401 Sunnyside Drive (Lot 27, Windansea Subdivision).

The proposed bed and breakfast would occupy up to three bedrooms on an intermittent basis. No modifications will be made to the house or property to accommodate the bed and breakfast. The surrounding area is all zoned residential and has other bed and breakfasts operating in the area.

Per 18.06.002 of the LDC, the following criteria shall be met before a conditional use permit may be issued:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.

7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided. (See Chapter 18.14, Parking.)
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

Criteria 1-13 and 15 of this section are met. Criteria 14 can be met at the conclusion of the public hearing. There may be additional public comments on this issue at the hearing on the 24th.

Further conditions for a bed and breakfast are (Chapter 18.16):

1. An owner-occupied structure.
2. Three or fewer rental rooms.
3. Maximum length of stay of thirty (30) days.
4. The residential character of the neighborhood is retained.

All bed and breakfast conditions are currently met.

Recommendation

That the planning commission adopt Resolution 530-11-PC granting a CUP to Dave Nelson to operate a bed and breakfast in his residence at 1401 Sunnyside Drive, subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the conditional use is accessory to a principal owner residential use. The owner occupying the residence during conduct of the Bed and Breakfast must be a legally recorded

owner of the property. The owner occupant must be an owner of record or purchaser of record according to the system of land title recording established pursuant to AS 44.37. The city shall retain the right to ensure that a legal owner is present for at least 75% of the days that guests are in residence;

3. that all parking for personal use and customer use will be off-street.;
4. that the bed and breakfast will be limited to three rooms.;
5. that all sales tax due on the operations covered by this permit must be paid within 30 days of the end of the quarter that the sales were made.
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.;
7. the condition use permit will be reviewed by the Planning Commission 12 months after approval to ensure compliance with these provisions.

CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 530-11-PC

GRANTING A CONDITIONAL USE PERMIT TO DAVE NELSON TO OPERATE A BED AND BREAKFAST AT 1401 SUNNYSIDE DRIVE, LOT 27, WINDANSEA SUBDIVISION

WHEREAS, the Planning Commission held a public hearing on February 24, 2011; and,

WHEREAS, public notice was given in accordance with Section 18.06.002 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.002 of the Craig Land Development Code are met as follows, subject to the conditions listed below:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided.
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed

- use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
 15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission grants Dave Nelson a Conditional Use Permit to operate a Bed and Breakfast at 1401 Sunnyside Drive, Lot 27, Windansea Subdivision, subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the conditional use is accessory to a principal owner residential use. The owner occupying the residence during conduct of the Bed and Breakfast must be a legally recorded owner of the property. The owner occupant must be an owner of record or purchaser of record according to the system of land title recording established pursuant to AS 44.37. The city shall retain the right to ensure that a legal owner is present for at least 75% of the days that guests are in residence;
3. that all parking for personal use and customer use will be off-street.;
4. that the bed and breakfast will be limited to three rooms;
5. that all sales tax due on the operations covered by this permit must be paid within 30 days of the end of the quarter that the sales were made;
6. that signage shall be limited to one sign not exceeding three square feet in area, non illuminated, and mounted flat against the principal building;
7. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.;
8. the condition use permit will be reviewed by the Planning Commission 12 months after approval to ensure compliance with these provisions.

Approved this 24th day of February, 2011

Chairman John Moots

Brian Templin, City Planner

CITY OF CRAIG MEMORANDUM

To: Craig Planning Commission
From: Brian Templin, City Planner
Date: February 22, 2011
RE: Final Approval of Patotzka Replat and Code Interpretation

Background: At the commission meeting on January 27th the Planning Commission approved the preliminary plat of the Patotzka Subdivision. This replat was done to meet conditions of a variance issued by the Planning Commission for an encroachment into the setback by a structure placed by Mr. Patotzka. Conditions of the approval of the preliminary plat included several comments and recommendations made by the city planner to the surveyor.

One of the standard conditions of all preliminary plats is that “that all property corners be monumented with rebar and capped”. This requirement stems from Craig Municipal Code Section 18.10.004 which states “All exterior corners of each subdivision lot shall be permanently monumented.”

Recently R&M Engineering submitted a copy of the final plat. All comments made by the planner were incorporated into the final plat. A question of monumentation arose during the review of the final plat. The corners that were found at the exterior corners of the subdivided lots were determined to be out of place by .10’ - .50’. Rather than adjust or replace the corners the surveyor chose to use the existing corners and provide offset distances and bearings to the true corner. That is the monument would not be at the actual corner location, but would be at a point that would be a given bearing and distance away from the actual corner.

Occasionally it is necessary to set “witness corners” to monument property corners when there is some physical impediment or problem with monumenting the actual corner. This is common in cases such as beach lots where the actual corner may fall in bedrock or in a position that it will be wiped out by tidal actions. It is also common in cases where a tree is located at the corner location. Usually in Craig witness corners are then placed along the property line some distance from the actual corner.

If a witness corner is not required because of some physical impediment it has been common practice in Craig to monument the actual corner location. This monumentation is used later by property owners to determine correct boundaries, placement of improvements and construction of buildings.

Staff has told the surveyor that the issue of the corners needed to be resolved before the plat could be approved. Staff gave three options to the surveyor:

1. Accept the monumented corners as correct so that the existing monuments would represent the actual corners.
2. Adjust the existing monuments so that they matched the actual corner locations.
3. Place a new corner at the actual location (the surveyor could also remove or obliterate the existing corners or leave them as-is).

The surveyor does not feel that any of these options are acceptable because:

1. The surveyor is confident that the existing corners have been disturbed, moved, and/or replaced by the property owner, making them incorrect. He does not want to accept them in their current location because of this.
2. While several of the corners are bent, or otherwise obviously disturbed the surveyor is hesitant to adjust another surveyor's work by physically adjusting the monuments to meet the corners on his plat. Because of this he does not want to adjust existing monuments.
3. The surveyor does not want to create a "pin cushion" by having multiple corners just inches apart. He also does not want to remove corners set by another surveyor. Because of this he does not want to set additional corners.

Interpretation: While code does not address the specific manner in which corners should be permanently monumented practice has been to accept monumentation at the corner location, or witness corners when there was some physical impediment to monumenting the actual location. Staff feels that this interpretation is valid because there are sufficient reasons to justify this direction. Specifically:

1. Monuments, not offsets are used by property owners. Most building projects in Craig are done by the property owner without requiring the services of an engineer or surveyor. Monumentation is routinely used to establish a string line that is used to lay out fences, decks, carports or other improvements that are allowed up to the property line. Even witness corners set online are useful because property owners can pull a tape measure or string line from one corner, over the witness corner and measure to the precise location of the actual corner. Monumentation is routinely used to measure the offset distances for improvements (such as buildings) that are subject to setbacks. Offset bearings are difficult for the property owner to get correct and improvement location or encroachment into setbacks is a reasonable assumption for future owners and their improvements.
2. Preventing future impacts and fixes by using the established procedure and precedent. While the distances here are small it is likely that this will result in variances or other solutions in the future to correct mistakes made because of the monumentation. This also sets a precedent for offset corners with larger distances. There are surveys within Craig that have incorrect corners 1' – 5' away from the actual corners. The surveyors have been required to also monument the actual corners in these cases. In addition to the issues on this survey that will need to be fixed later, accepting these offset corners sets a precedent for future subdivisions.

Recommendation: The surveyor is not available to defend the plat at the meeting of February 24, 2011. The commission should discuss the issue and determine if it wants to proceed with an interpretation or postpone the decision to a future meeting when the surveyor could be represented. If the commission feels that it should make a determination on the plat as presented then staff recommends that the commission deny the final plat as presented and require monumentation of property corners at the actual corner locations for this replat.