

CITY OF CRAIG PLANNING COMMISSION AGENDA

Meeting of January 26, 2023
7:00 p.m., Craig City Council Chambers

Roll Call

Sharilyn Zellhuber (chair), John Moots, Kevin McDonald, Barbara Stanley (ex abs),
Jeremy Crews

Approval of Minutes

1. December 13, 2022 Minutes

Public Comment

1. Non-Agenda Items

Public Hearing and New Business

1. PC Resolution 610-23-PC, CUP230126 – Conditional Use Permit for Rich Trojan to construct stairs within the setback on his property on Lot 8, Tract 6, Axmaker Subdivision (502 Hilltop Drive)

Old Business

1. 2015, 2014, 2013 Resolution and Minutes signing
2. Review CUPs Question and Comments Follow-up

Adjourn

The meeting will be available by teleconference for both the public and planning commissioners. To call into the planning commission meeting call 1-800-315-6338, code 63275#. Commissioners can participate and vote by phone if they wish.

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of December 13, 2022

Roll Call

Sharilyn Zellhuber (chair), John Moots, Kevin McDonald (Ex. Abs), Barbara Stanley, Jeremy Crews

From the public: Brenda & Larry Demmert

Meeting Started at 7:02pm.

Approval of Minutes

1. October 27, 2022 Minutes. A motion was made and seconded to approve the minutes from the October 27, 2022 meeting.

MOTION TO APPROVE

CREWS/MOOTS

APPROVED

Public Comment

1. Non-Agenda Items.
 1. None

Public Hearing and New Business

1. PC Resolution 607-22-PC, CUP 221213A – Conditional Use Permit for Brenda and Lawrence Demmert to operate a B&B at 1411 Hamilton Drive (Lot 1B, Tract 2A, Timpe Subdivision, USS 3857).

The planning commission expressed no concern with the B&B at this location. Wilson confirmed that there had been no complaints about the previous B&B operator at that location. A couple oddities to take note of were the detached garage had been renovated into a new residence since the last permit, which Brenda confirmed would be either a long-term rental or a place for family to stay.

On asking if Brenda or Larry (Lawrence) had any comments, Brenda expressed their desire to move out of their home at North Harbor and use funds from the B&B to offset costs of their new home.

MOTION TO APPROVE

MOOTS/STANLEY

APPROVED

2. PC Resolution 608-22-PC, CUP 221213B – Conditional Use Permit for Doug Ward to renovate his home into a triplex at 605 Oceanview Dr (Lot 12, Windansea Subdivision).

The planning commission noted the lack of description of the changes while confirming that the footprint of the building would not change. Commissioners

acknowledged that a building permit would resolve issues like points of egress per unit. Commissioner Moots stated that at least two points of egress are needed per apartment and that they could be a window (that is safe/capable of being used to exit) or a door, making it an easy requirement to meet.

Commissioner Crews asked if a sprinkler system was needed. Wilson said that buildings with only three dwelling units do not need Fire Marshal approval and therefore would not need sprinklers.

The planning commission asked if there had been any questions about this requested permit, Wilson confirmed there had been one question about the allowed number of units in a medium-density residential area. Wilson confirmed that there is enough space on the lot to hold three units per the rules outlined in the municipal code.

Wilson noted that this home has a conditional use permit for a B&B and that the conversation of limited rooms (only up to three rooms of a home may be used for a B&B) had come up with the home owner. Doug Ward had confirmed that he previously operated a B&B but that he was moving entirely to long-term rentals. The Planning Commissioners decided to revoke the CUP for the B&B as a condition of the triplex. It was noted how badly residential housing was needed and that since the B&B was being discontinued, the old CUP would fall under the sunset clause.

MOTION TO APPROVE

CREWS/STANLEY

APPROVED

3. PC Resolution 609-22, CUP221213C – Conditional Use Permit for Taylor Robison to operate a B&B at 702 Beach Rd (Lot 2B, Block 12, USS 1430).

Wilson noted that although the application claimed five parking spaces, there are only three viable parking spaces on Robison's property. There are four bedrooms, requiring a minimum of three parking spaces. Unless the garages are used, there only appear to be three spaces outside. There is not enough room in front of garage doors to park cars (unless they are smart cars).

Commissioner Stanley asked if any public comments had been made. Wilson confirmed that Kim Patotzka had come into the office and expressed concern with parking. Wilson noted that much of the extended driveway pad belonged to Kim Patotzka and would not be available for B&B guest parking. Commissioner Moots commented that there were already at least two cars and a boat. Moots expressed the desire to revisit the required parking per rooms for B&Bs. Stanley added that Ketchikan was reviewing B&B rules and their changes may be good to track.

Wilson noted that there had been no previous complaints about the previous owners who had operated a B&B.

Commissioner Zellhuber requested that in the confirmation letter, Robison be informed that he does not have five parking spaces outside of his building.

MOTION TO APPROVE

MOOTS/STANLEY

APPROVED

Old Business

1. 2018 Resolution and Minutes signing
May 30, 2018 Minutes (Retroactive Minutes)

Wilson and the planning commission realized that the previous quorum still did not exist as John Moots and Kevin McDonald had both been absent that day and Millie was no longer on the planning commission. Stanley noted that the listed CUP was one that had been of concern regarding follow-up. Had the owners met the requirement to install additional parking? Wilson stated she could investigate.

MOTION TO APPROVE

ZELLHUBER/STANLEY

APPROVED

2. 2017 Resolution and Minutes signing (mostly complete)
3. 2016 Resolution and Minutes signing

The Commissioners Stanley and Moots expressed interest in re-examining the condition that each CUP is subject to a 12-month review. Wilson noted that she thought the language in the Craig Municipal Code was more permissive and provided the option for the planning commission to do a 12-month review. Stanley stated that the language on the resolutions was not permissive but may be changed to be more permissive or eliminated entirely if it wouldn't be followed up. Stanley also stated that despite the language on resolutions, 12-month CUP reviews had not been done at all within her memory. Commissioner Moots agreed.

With Zellhuber's permission as the Chairperson, Wilson asked what a 12-month review should look since it had not been done and she did not recall it outlined in the code. Zellhuber asked if notices would have to go out to neighbors again. The Planning Commission agreed that the 12-month review could be quite simple with the Planner checking with the police chief, checking that sales tax was paid, and that all requirements had been met.

Besides checking CUP 180524 for additional parking and seeing if the fence had been moved as requested, the planning commission also noted that there may have been a partial ownership change at the marijuana retailer that should be investigated. The planning commission were concerned with people parking in the narrow street leading up to the shop, sometimes on both sides of the road. Wilson stated she was unaware of any ownership changes, noting that Kit Kraft was the principal owner. The commission responded that Kit Kraft had a partnership and that the partnership may have changed, affecting the CUP. Wilson stated she would look into it. As for the parking, Wilson noted

that on the Marijuana retail CUP issued in that location, it was known that there was effectively no adequate parking when the CUP was issued and that poor parking was unlikely to fall on the CUP holder. The vehicle owners would be responsible for parking appropriately.

As a final follow-up question, the planning commission asked if there had been a resolution on the small building located on Jim Seley's property. Wilson stated that although it is likely the building has been used commercially, the Fire Marshal will not review a residential building that has less than four units and Jim has continued to insist that the building is strictly residential. Wilson further stated that with exceptional proof the City could pursue the issue as a violation, but that Brian had not expressed interest in doing so as irrefutable proof would be difficult to obtain and the lot the building is on is likely to be sold anyways (and need to be rezoned/could be required to be zoned residential). Wilson did state that the sign advertising commercial services had been taken down.

Adjourn

A motion was made and seconded to adjourn the meeting at approximately 7:48 pm.

MOTION TO ADJOURN

CREWS/MOOTS

APPROVED

Chairman Sharilyn Zellhuber

ATTEST: Samantha Wilson

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report
January 20, 2023

Applicant: Richard Trojan

Requested Action: Conditional Use Permit

Location: Lot 8, Tract 6, Axmaker Subdivision (502 Hilltop Drive)

Zoning: Residential – High Density

Surrounding Uses: North: Residential – High Density
West: Residential – High Density
South: Residential – High Density
East: Residential – High Density

Analysis

Richard Trojan owns Lot 8, Tract 6, Axmaker Subdivision and is in the process of repairing and improving his home. Mr. Trojan is proposing to place a set of stairs between the existing front porch/stair area and the existing deck on the west side of the home leading to the 2nd story on the southern end of the building. In 2015 the Craig City Council approved a change to the land development code that allows stairs and landings to be constructed in the setback with a conditional use permit.

The stairs are requested as a second fire escape as well as access to complete other construction associated with the building permit; the other stair access is located inside the home. The proposed exterior stair structure will be 12’ long, 8’ high, and 4’ wide with a landing at the top that is 5’ long and 7’ wide. If the structure is built flush with the existing deck as depicted, the structure will be built up to 5’ into the setback based on as-built dimensions (as apposed to the 3’ suggested by the drawings). There is a five foot utility easement on the west side of the property.

Richard Trojan previously was awarded a variance in 2010 to expand the garage at the front of his home (west side) and the storage area under the kitchen nook on the back of the house (east side) within the 10’ setbacks. Before that, another variance was approved allowing construction into the setback according to the 2010 variance. Richard Trojan lives on a triangular-shaped lot that quickly tapers from 75’ at its widest end to the north to 0’ in the south. These constraints were considered during the issuing of the 2010 building permit.

Although limited, the existing location where the stairs are intended to go provides some parking. As indicated in the last attached drawing, there are four parking spaces that meet the minimum parking requirement of 8x20ft while allowing for ingress/egress. On checking with

the Craig Police Department, no parking complaints had been reported on the Trojan property.

Other parts of Mr. Trojan's remodeling project, which are listed in his building permit, include replacing the southern wall of his home and adding walls and a roof to the 2nd story deck to create a greenhouse/sunroom. According to Mr. Trojan, the southern wall has a history of rotting out due to wind-driven rain and this will be the third time that wall will be repaired/replaced. Mr. Trojan hopes that by constructing an enclosed area on the upper deck, the main wall will be protected from driving wind/rain. This enclosed area does not encroach into the setbacks. The first story deck underneath will remain open. The City of Craig has a building permit from 2006 for replacement/repair of a rotten deck.

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. Further discussion of Criteria 11 may be warranted. There may be additional public comments on this issue at the hearing on the 26th.

Recommendation

That the planning commission adopt Resolution 610-23-PC granting a CUP to Richard Trojan to construct stairs and landings within the 10' setback on a Lot 8, Tract 6, Axmaker Subdivision subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the stairs and landing must remain open with no walls or roof;
3. that no construction may take place within the 5' utility easement;
4. that all parking will be off-street.;
5. this permit will expire February 29, 2024;
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.

CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 610-23-PC

GRANTING A CONDITIONAL USE PERMIT TO MR. RICHARD TROJAN TO CONSTRUCT STAIRS AND LANDINGS WITHIN THE 10' SETBACK ON LOT 8, TRACT 6, AXMAKER SUBDIVISION.

WHEREAS, the Planning Commission held a public hearing on January 26, 2023; 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 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 Richard Trojan a Conditional Use Permit to construct stairs and landings within the 10' setback on Lot 8, Tract 6, Axmaker Subdivision, subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the stairs and landing must remain open with no walls or roof;
3. that no construction may take place within the 5' utility easement;
4. that all parking will be off-street.;
5. this permit will expire February 29, 2024;
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.

Approved this 26th day of January, 2023.

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner

CITY USE ONLY

FILE NUMBER <u>230126</u>	FILE NAME <u>CUP 230126</u>
DATE RECEIVED <u>1/11/23</u>	BY <u>JW</u> FEE <u>\$30 paid</u>
HEARING DATE <u>1/26/2023</u>	NOTIFICATION DEADLINE <u>1/16/23</u>

Conditional Use Permit Application

Applicant's Name RICH AND JAU TROSAY

Address 502 HILL TOP Telephone No. 907-826-3734
907-401-0147

Applicant's Representative (if applicable) N/A

Address _____ Telephone No. _____

Subject Property Legal Description: Lot 8 Block/Tract 6 Survey Number US2611

Lot Size: 8,000 FT Subdivision Name AXMARK

Township: _____ Range: _____

To help the planning commission gather facts about the proposed conditional use permit, please complete the following:

1. Describe in detail the conditional use requested: STAIRWAY AND LANDING TO PROVIDE FIRE ESCAPE FROM TOP FLOOR. GREENHOUSE, SUN ROOM OUT SIDE SOUTH BEDROOM. REBUILD SOUTH WALL OF LIVING ROOM + SOUTH BEDROOM DUE TO ROT.

2. Please attached a plot plan showing lot lines, building locations, parking spaces, and other relevant information.

3. What types of chemicals, processes, machinery or equipment will be used: CRAWL TO PLACE STAIRWAY (POSSIBLY) WHEEL HOE TO PLACE CONCRETE PIERS

4. Approximately how many days per week and how many hours per day will the proposed use operate? PERMANENT EMERGENCY EXIT

5. What noise, odor, smoke, dust, or other pollutants could be caused by the proposal?
NONE

6. What types of uses are currently located within 300 feet of the exterior property boundaries?
RESIDENTIAL

7. What types and sizes of buildings, signs, storage and loading areas, screening, etc. are planned (size, height, type)?

STAIR WAY 8 FT HI, 12 FT LONG
GREEN HOUSE/SUN ROOM YELLOW CEDAR AND LEXAN
SUNITE WALL 2X6 STUDS, 1/2 PLY AND RED CEDAR

8. What utilities are needed? NONE

9. What roads will provide access? HILL TOP STREET

10. What type and volume of traffic will be generated by the conditional use?

NO ADDITIONAL TRAFFIC OR VOLUME

11. What are your parking needs and where will they be provided (indicate on the plot plan where parking is to be provided)? AS EXISTING

12. Will the proposed conditional use be compatible with the neighborhood in general? Why?

YES - RESIDENTIAL IMPROVEMENTS AND FIRE SAFETY. THE SUN ROOM WILL PROTECT THE SOUTHERN WALL FROM WIND + RAIN

The criteria by which a conditional use permit application is approved or denied is listed in Chapter 18.06.002.C-K of the Craig Land Development Code.

A decision of the planning commission may be appealed to the city council within 30 days of the mailing of the notice of the commission's decision. Decisions of the city council may be appealed to Superior Court.

I (we) being duly sworn, depose and say that the foregoing statements and answers herein contained, and the information herewith submitted, are in all respects true and correct to the best of my knowledge and beliefs.

Dated this 11TH day of JAN, 2023.

RICH H TROSAI
Applicant

Applicant

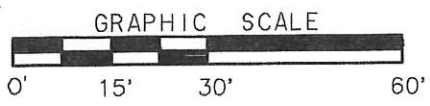
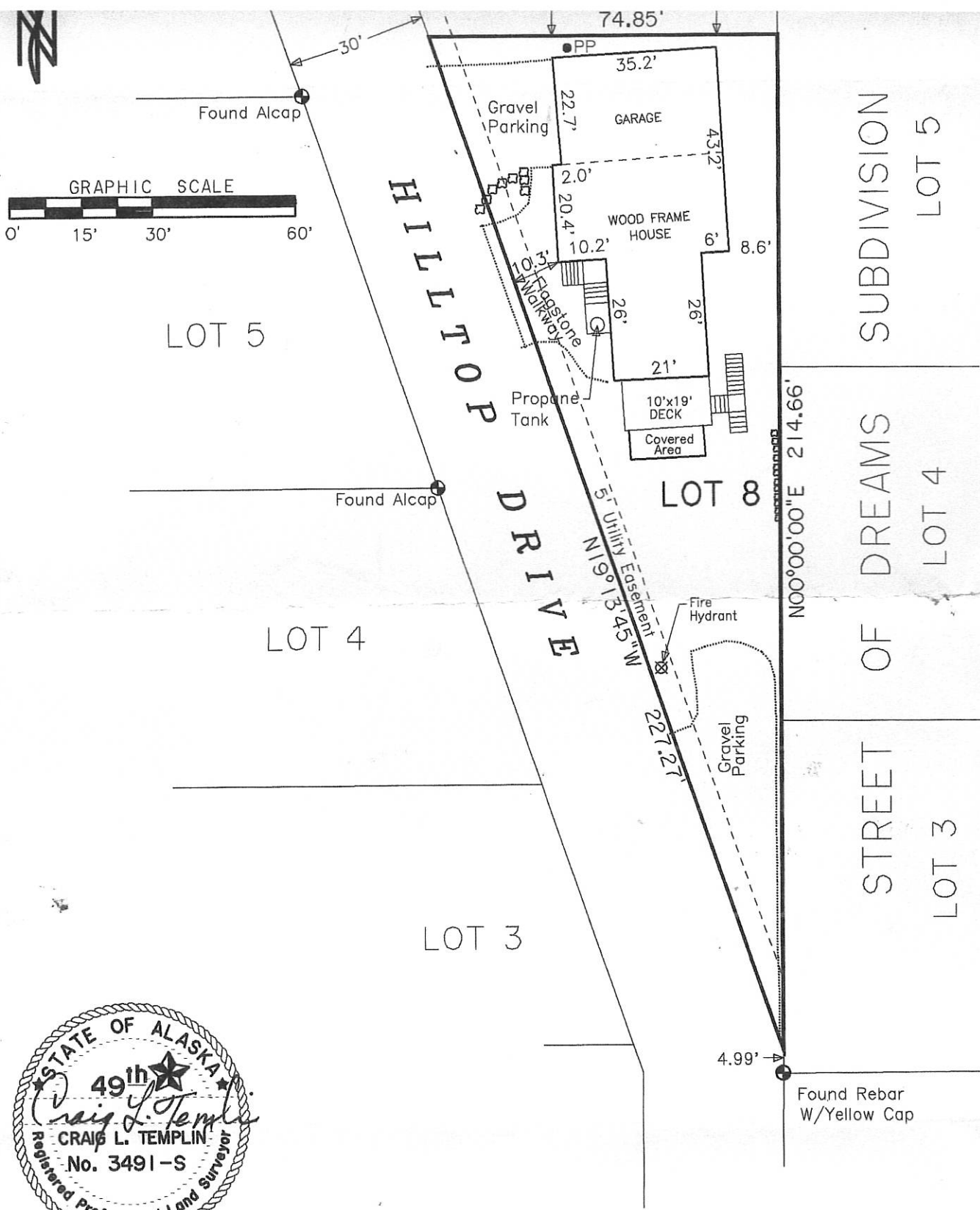
Authorization for Agency

If the applicant listed on this application is other than the sole deed holder of the property or properties upon which the temporary use will take place, complete the following authorization to act as agent:

I (we), the undersigned, hereby certify that as deed holder(s) of record of the property or properties described above, I (we) hereby authorize the person listed as the applicant on this application to act and appeal as agent with respect to this application.

Dated this _____ day of _____, 20____.

Signature(s) of deed holders: _____



AS-BUILT SURVEY OF:

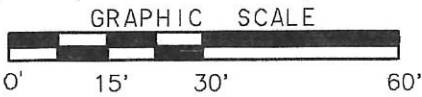
LOT 8, AXMAKER SUBDIVISION, PLAT 86-9, Ktn Rec. Dist.

I hereby certify that the above described property has been surveyed by me and that the improvements situated thereon are within the property lines and do not encroach or overlap on the adjacent property lines and that there are no roadways, transmission lines or other visible easements on said property, except as indicated hereon.

Date: 2/01/2003 Scale: 1"=20' Drawn by: CLT
 Craig L. Templin - Whale Pass PO Box WWP - Ketchikan, AK. 99950

AXMAKER LOT 7
SUBDIVISION

LOT 6



LOT 5

Found Alcap

LOT 4

LOT 3

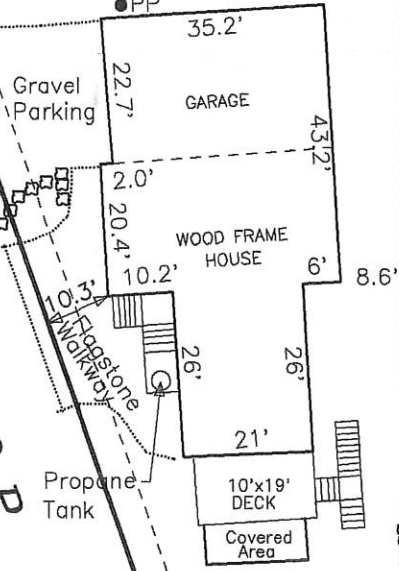
HILLTOP DRIVE

5' Utility Easement
N19°13'45"W

N89°56'43"E
74.85'

N00°00'00"E 214.66'

STREET OF DREAMS SUBDIVISION
LOT 3
LOT 4
LOT 5



4.99'

Found Rebar
W/Yellow Cap



TROSNAF 2078 TRACT 6
TOP VIEW

SHEET 1 OF 23
BP-01-23



K 5 FT X

ROTTEN WALL
TO BE REBUILT
LIVING ROOM AND
BEDROOM

BEDROOM
FIRE EXIT
DOOR TO
SUN ROOM 21

RIDGE

20 FT
EXISTING
5 X 20 PORCH
TO BE COVERED
W SUN PORCH

EXISTING
PORCH

4 X 12
STAIRWAY

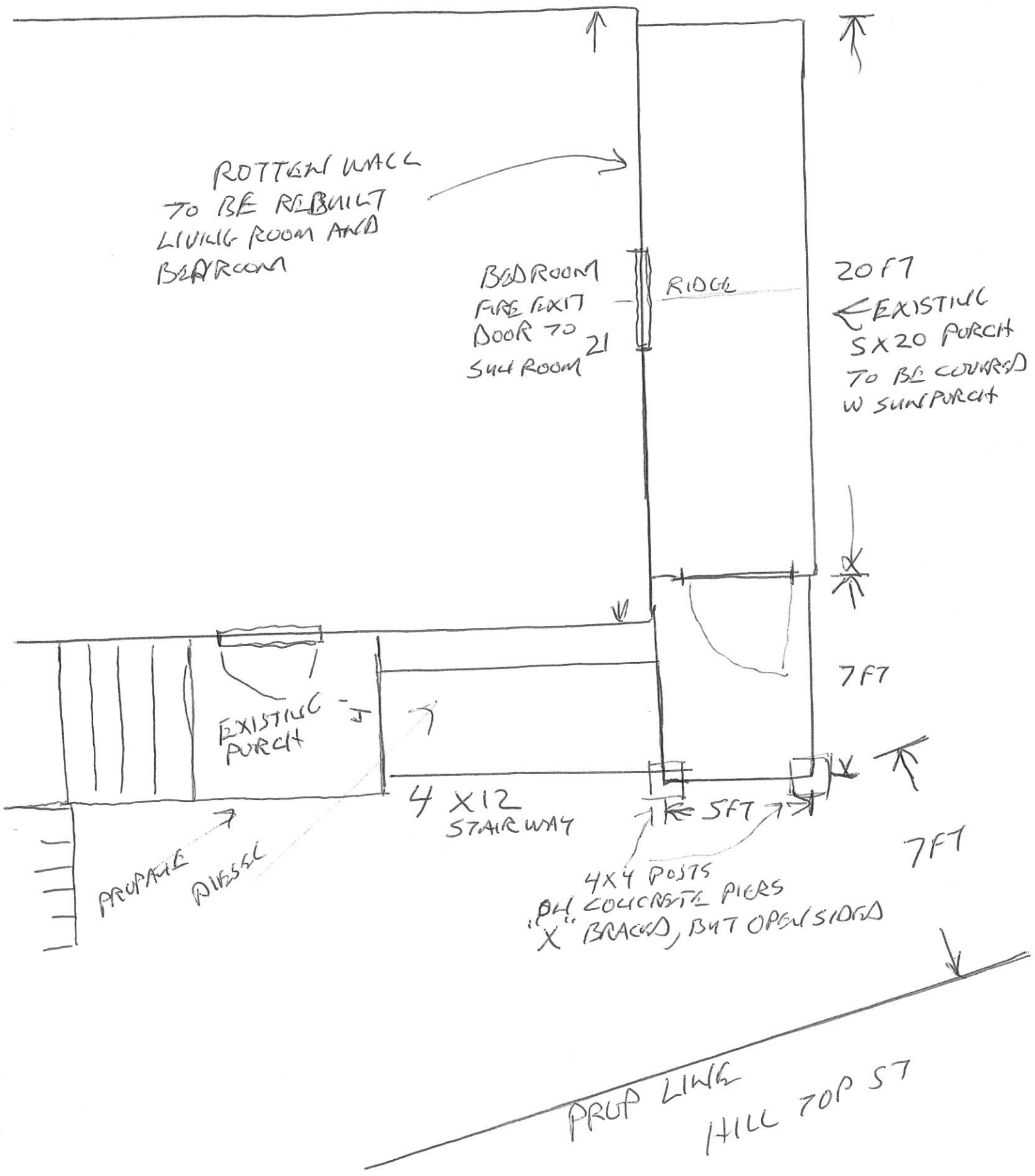
7 FT

7 FT

PROPANE
PIPE

4 X 4 POSTS
ON CONCRETE PIERS
'X' BRACED, BUT OPEN SIDED

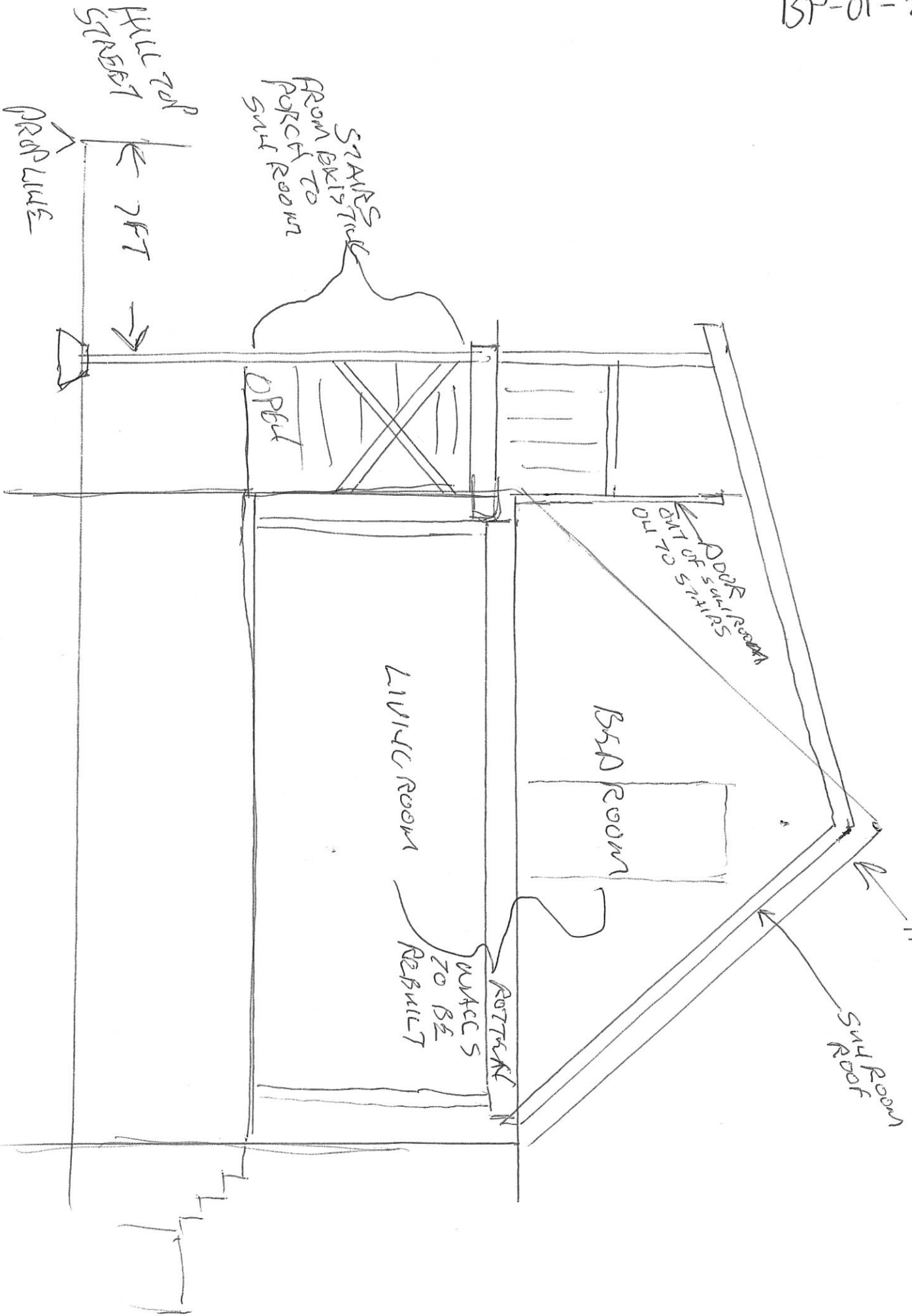
PROP LINE
HILL TOP ST



BP-01-23

7805th LOT 8 TRACT 6
LOCKRIDGE WARRICK

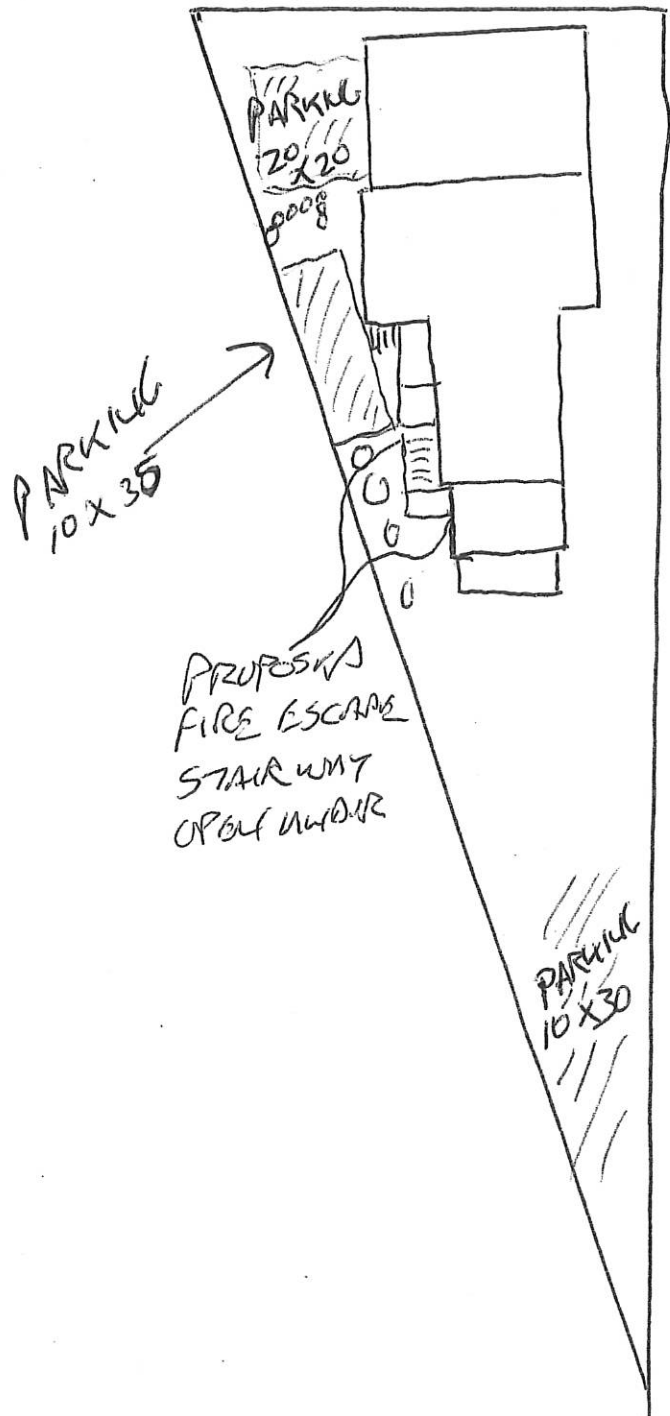
SKETCH 2 OF 23



TROSM
LOT 8 AKMAKAR SUB

SHEET 3 OF 3
BP-01-23

PARKING



**CITY OF CRAIG
MEMORANDUM**

To: Planning Commission
From: Samantha Wilson, City Planner
Date: January 20, 2023
RE: Resolution and Minutes Signing: 2015, 2014, & 2013

As the Planning Commission is aware, resolutions and minutes from Planning Commission meetings have not been signed and filed since 2011. In addition, requested amendments and edits were often not applied to the documents. This resolution and minute signing activity is part of an ongoing effort to complete the paperwork and post signed, amended documents for public review and transparency.

All documents with complete signatures including some documents from 2018 up to 2022 have been posted on the City of Craig website and filed.

Minutes and resolutions from 2015, 2014, and 2013 are being presented for review and signing.

No action is required from the council at this time.

CITY OF CRAIG MEMORANDUM

To: Planning Commission
From: Samantha Wilson, City Planner
Date: January 26, 2023
RE: Conditional Use Permit (CUP) Review and Follow-up

During the December 13th meeting the Planning Commission expressed concern about language added to CUPs regarding follow-up. Despite wording on certain CUPs, like bed-and-breakfasts, that require follow-up after a year, there has not been a system in place to initiate an annual review.

Particular examples the planning commission expressed concern about included Resolutions 580-18 (B&B, Madelaine Voegeli) and 576-18 (Marijuana Retail Establishment, Thee Treasure Chest LLC).

Regarding B&B parking, I found that the amendment requiring two additional parking spaces be added to 205 Second street had not been fulfilled. A building permit had been applied for in April 2020 to complete the work, but lapsed before any work was done. Upon speaking with Madelaine I found that work was still planned but had been pushed back due to unforeseen circumstances. In light of the circumstances, I asked for a time-frame for installation of parking and recommended a year. Madeline requested at least one full B&B season to meet the parking requirement. Other than the parking issue, Madelaine appears up-to-date on her sale's tax. When I questioned RJ, there had been no complaints about parking for her B&B at this time.

Regarding concerns about Thee Treasure Chest, given that the business and location are the same and one of the original applicants is still involved/owns the property, the permit remains unaffected by the new partners. During my call with RJ, he stated that there are no restrictions to parking on both sides of the road and that there is enough room for a vehicle to pass through if vehicles are parked correctly. If there is a situation in which through traffic is blocked, the individual owning the vehicle would be ticketed.

Upon review of the Municipal Code, I did not find a section explicitly outlining required annual review for conditional use permits. As the language is specific to resolutions, I will relax the language moving forwards. When reviews take place for applicable CUPs (B&Bs, home occupations, etc), verification of application for a business account with the city, reporting and payment of sales tax, and a review of any police action required due to the CUP at the property location will be examined.

No action is needed at this time.