

# **CITY OF CRAIG PLANNING COMMISSION AGENDA**

Meeting of February 25, 2016  
7:00 p.m., Craig City Council Chambers

## **Roll Call**

Sharilyn Zellhuber (chair), John Moots, Kevin McDonald, Barbara Stanley, Millie Schoonover

## **Approval of Minutes**

1. Approval of minutes of January 28, 2015

## **Public Comment**

1. Non-Agenda Items

## **Public Hearing and New Business**

1. PC Resolution 563-16 CUP 160225 – Troy and Di Thain – Bed and Breakfast L2A2B, USS 3857
2. PC Resolution 564-16 Variance 160225 –Melanie McMillan – Construction within the 10’ sideyard setback Lot 7, Tract 1, USS 2611 (T&H Street)

## **Old Business**

1. Commercial Marijuana Regulation Update (No Action)
2. Correspondence from Mr. Don Glore (No Action)

## **Adjourn**

CITY OF CRAIG  
PLANNING COMMISSION MINUTES  
Meeting of January 28, 2016

**Roll Call**

Present were Sharilyn Zellhuber (chair), John Moots, Kevin McDonald, Barbara Stanley, and Millie Schoonover.

Also present were Brian Templin (Planner), Joyce Mason, Jim Mason, Faith Lazo and ???

**Approval of Minutes**

1. Approval of minutes of December 28, 2015. Barb pointed out a couple of typos in the minutes. A motion was made and seconded to approve the minutes of the January 28, 2016 PC meeting with the corrections.

MOTION TO APPROVE                      SCHOONOVER/MCDONALD                      APPROVED

**Public Comment**

1. Non-Agenda Items

Joyce Mason commented that she felt that Ptarmigan Subdivision should be zoned low density residential instead of medium density residential. Shailyn commented that she thought that the issue had already been heard by the planning commission and that Joyce had made a similar comment during that public hearing. Brian said that the issued had been considered by the commission and that a recommendation had been forwarded to the city council to rezone the area medium density residential. Joyce asked for a copy of the minutes from that meeting. Brian said he would get those to her.

Joyce also commented that the access for Lot 5 of Ptarmigan Subdivision should be accessed from the east side and not from Ptarmigan.

**Public Hearing and New Business**

1. PC Resolution 561-15 CUP 151228 – Don Glore – Place Accessory Building on a Lot Which Does Not Have an Established Use – CANCELLED Per Applicant’s Request. Brian reported that Mr. Glore had submitted a building permit application for a single family residence on the lot and had requested that the conditional use permit be cancelled. No action was needed from the commission.
2. PC Resolution 563-16 RP 160128 – Ptarmigan Subdivision Preliminary Plat Approval. Brian reported that the surveyor had submitted the preliminary plat for Ptarmigan Subdivision, a replat of a portion of Tract 15, USS 2611 owned by the city adjacent to Ptarmigan Street. Brian reminded the commission that they and the city council had taken a number of actions related to the subdivision of this

parcel and that the city intended to conduct a residential land sale once everything was complete. Brian said that the plat met all code requirements and that he had included a set of comments for the commission to consider. The commission reviewed the comments that Brian had and discussed the expanded cul-de-sac. Brian said that the cul-de-sac would look different than most with one side larger than the other but that it would better facilitate traffic, emergency vehicles and the garbage truck. It was noted that some power poles would have to be moved. Brian said that he and Ron McIntosh (Public Works Director) were planning to meet with AP&T to discuss pole relocations for Phase IV of the paving project and that they would include these poles as well. There was some additional discussion about Craig Cable TV. Brian said that it was unlikely that Craig Cable would make their delinquent accounts current and be allowed to continue occupying the current space, but if they were allowed to stay the replat and zoning would not prevent it. Brian pointed out that most of the improvements for Craig Cable were contained on Lot 1, with one satellite dish located on Lot 2. He said that if Craig Cable brought accounts current and the council decided to let them stay that those two lots would be removed from the land sale. Brian also said that the zoning would not be an issue because they could continue as a “prior non-conforming use” which would allow them to continue the operation even after the rezoning as long as they met all other conditions.

Brian reported to the commission that it was likely that he would suggest a local improvement district to the council to assign improvement costs to the lots as additional property tax with a forgiveness clause based on completion of a residential structure. Brian said that this would be a tool that the city would use to encourage development of the lots, which is the intent of the land sale. Joyce commented that a local improvement district would be complicated. Brian agreed, but said that it would be an effective way to encourage development and it was something that the current code accounted for. Jim asked if a garage with an apartment over it would qualify as a residential structure. Brian said that Craig’s code didn’t differentiate structure types and that a structure with a residential unit in it was, by definition, a residential structure.

Jim Mason commented that the sewer manhole at the cul-de-sac on Ptarmigan may not be deep enough to service lots 5 and 6, especially lot 5. Brian said that he had consulted with Ron McIntosh, who had verified that the manhole was about 4’ deep. Brian said that it was a long run for lot 5 and that 4’ was shallow for a manhole, but that he and the public works director felt that it was sufficient.

After some additional discussion on the plat a motion was made and seconded to approve PC Resolution 563-16 RP 160128 approving the preliminary plat for Ptarmigan Subdivision with the changes noted by the planner.

MOTION TO APPROVE

MOOTS/SCHOONOVER

APPROVED

**Old Business**

1. Commercial Marijuana Regulation Update (No Action). Brian reported that he had prepared an ordinance for council consideration regarding the changes to Title 18 of the Craig Municipal Code regarding commercial marijuana. He said that the council had first reading of Ordinance 678 on January 21<sup>st</sup>. This ordinance considered adoption of a new section of Title 5 to the municipal code and local options on prohibition of certain license types. Brian said that the council had discussed some sections of the proposed ordinance and intended to bring some suggested amendments back to the February 4<sup>th</sup> council meeting. These amendments, and the final ordinance itself would dictate what portions of the Title 18 regs needed to be adopted so Brian said that it was his intent to let the council adopt a local option ordinance and Title 5 prior to bringing the Title 18 ordinance to them. He said that it would likely be introduced at the February or March meeting. No action was required by the commission.

**Adjourn**

A motion was made and seconded to adjourn the meeting

MOTION TO ADJOURN

SCHOONOVER/STANLEY

APPROVED

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Chairman Sharilyn Zellhuber

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ATTEST: Brian Templin

**CITY OF CRAIG  
PLANNING COMMISSION**

Staff Report  
February 10, 2016

Applicant: Troy and Di Thain

Requested Action: Conditional Use Permit – B&B in a Residential Zone

Location: Lot 2A2B, USS 3857 (1405 East Hamilton Drive)

Lot Size: 10,747 SF

Zoning: High Density Residential

Surrounding Uses: North: ROW  
West: Public  
South: High Density Residential  
East: High Density Residential

**Analysis**

Troy and Di Thain have applied to the City of Craig planning commission for a conditional use permit to operate a Bed and Breakfast in a Residential Zone, located at 1405 East Hamilton Drive (Lot 2A2B, USS 3857). The applicant proposes to operate up to three rooms in an owner occupied structure for a Bed and Breakfast. A Bed and Breakfast has been operated at this location by Ken Owen for several years prior to this application.

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 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 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.

### **Recommendation**

That the planning commission adopt Resolution 563-16-PC granting a CUP to Troy and Di Thain to operate a Bed and Breakfast in a Residential Zone, located at 1405 East Hamilton Drive (Lot 2A2B, USS 3857), 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 conditional 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 563-16-PC

GRANTING A CONDITIONAL USE PERMIT TO TROY AND DI THAIN TO OPERATE A BED AND BREAKFAST AT 1405 EAST HAMILTON DRIVE, LOT 2A2B, USS 3857

WHEREAS, the Planning Commission held a public hearing on February 25, 2016; 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 Troy and Di Thain a Conditional Use Permit to operate a Bed and Breakfast at 1405 East Hamilton Drive, Lot 2A2B, USS 3857, 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.

Approved this 25<sup>th</sup> day of February, 2016

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Chairman Sharilyn Zellhuber

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Brian Templin, City Planner

**CITY OF CRAIG  
PLANNING COMMISSION**

Staff Report by Brian Templin

February 12, 2016

Applicant: Melanie McMillan

Requested Action: Variance to sideyard set back requirement

Location: Lot 7, Tract 1, USS 2611  
402 T&H Street

Zoning: Low Density Residential

Surrounding Uses: North: Low Density Residential  
South: Low Density Residential  
West: low Density Residential  
East: Public (School Campus)

**Analysis**

Melanie and Greg McMillan own the property at Lot 7, Tract 1, USS 2611. Currently there is a single family residence on the property which is occupied by the McMillans. There are as-built surveys on file (completed in 1980) for lot 6 and lot 8, but none for lot 7. The as-built for lot 8 shows the house on that lot to be 17.6' from the common property line between lots 7 and 8. Using that as-built as a basis for the measurement, the house on lot 7 is approximately 8.6' from the common property line. The existing encroachment dates back to the original construction prior to 1980. The McMillans have applied for a permit to construct an addition onto their house starting at the corner closest to the rear of the property and nearest to lot 8. The addition would extend toward the rear of the property. The existing house currently sits 1.4' into the 10' sideyard setback and the proposed addition would do the same. The addition would not encroach any further into the setback but it would add approximately 38.8 square feet of building into the existing 1.4' encroachment.

Both the existing encroachment and the proposed addition would be approximately 26' of separation from the structure on lot 8.

Construction of this addition will not interfere with potential utilities, sidewalk or drainage structures along this area.

**Criteria Analysis**

Section 18.06.003 of the Craig Land Development Code lists the seven specific criteria that must be met before a variance may be granted. The McMillans included information related to each of the required criteria with their application.

Criteria 1. There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which make the variance necessary. The application states that the existing structural pile is needed to be joined with the new proposed foundation at the southeast corner of the existing structure. There is a letter attached to the application from

contractor stating that it is critical to the structure of the addition to use the existing corner piling (which is already 1.4' inside of the setback area).

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. The applicant states that it would be impractical to construct the addition without tying into the existing structural piling at the corner.

Criteria 3: Granting the variance will not result in physical damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. The variance will not decrease the usable area for emergency access and will facilitate access from the street side. The proposed addition will not detrimentally affect development of the right-of-way. Even though both the existing structure and the proposed addition would encroach into the 10' setback on lot 7 the existing structure on lot 8 is sufficiently distant from the property line to ensure that there is a minimum of 20' separation between the structures. The planning commission should discuss whether the addition is detrimental to the public health, safety or welfare.

Criteria 4: Granting the variance is consistent with the objectives of the comprehensive plan. The proposed use, zoning and location are consistent with the Craig Comprehensive Plan. This condition is met on the basis of the application.

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. The building was in place prior adoption of Title 18. The applicant states in their application that construction of the addition starting at the corner is structurally critical and that the current structure's corner was placed inside the setback prior to the zoning restrictions. The applicant states that the original placement of the structure created the conditions requiring the variance.

Criteria 6: The variance will not permit a land use in a zone in which that use is prohibited. The proposed use and construction is allowed in the zone that the property is located in. This condition is met based on the application.

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. The applicant states that the variance is sought solely to establish a "consistent structural integrity" for the proposed addition. The commission should discuss whether the applicant has looked at alternatives to the variance, even if they cause monetary hardship or inconvenience.

### **Recommendation**

On its face the variance application appears to meet the required criteria. The commission should discuss these criteria at the public hearing on February 25<sup>th</sup>. If, after discussion, the commission finds that these criteria have been met then the variance should be approved. I have provided a resolution approving the variance, but if the commission finds that the criteria are not met then the resolution should be amended to disapprove the variance. If the commission disapproves the variance it should clearly state the criteria that is not met and why, so that a statement of findings can be written.

Recommendation: Approve Resolution 564-16 allowing an encroachment of no more than 1.5' into the south sideyard setback and consisting of no more than 40 square feet of total encroachment.

**CITY OF CRAIG  
PLANNING COMMISSION  
RESOLUTION 564-16-PC**

APPROVING A REQUEST BY MELANIE MCMILLAN FOR A VARIANCE TO THE SIDEYARD SETBACK REQUIREMENT ON LOT 7, TRACT 1, USS 2611

WHEREAS, the Planning Commission held a public hearing on February 25, 2016; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the criteria as shown in Section 18.06.003 of the Craig Land Development Code are met.

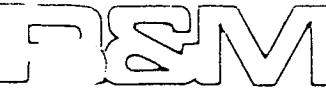
NOW, THEREFORE, BE IT RESOLVED the Craig planning commission approves the request for a variance to the setback requirement on Lot 7, Block 1, USS 2611 not to exceed 1.5'.

Resolution Approved this 25<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
Chairman Sharilyn Zellhuber

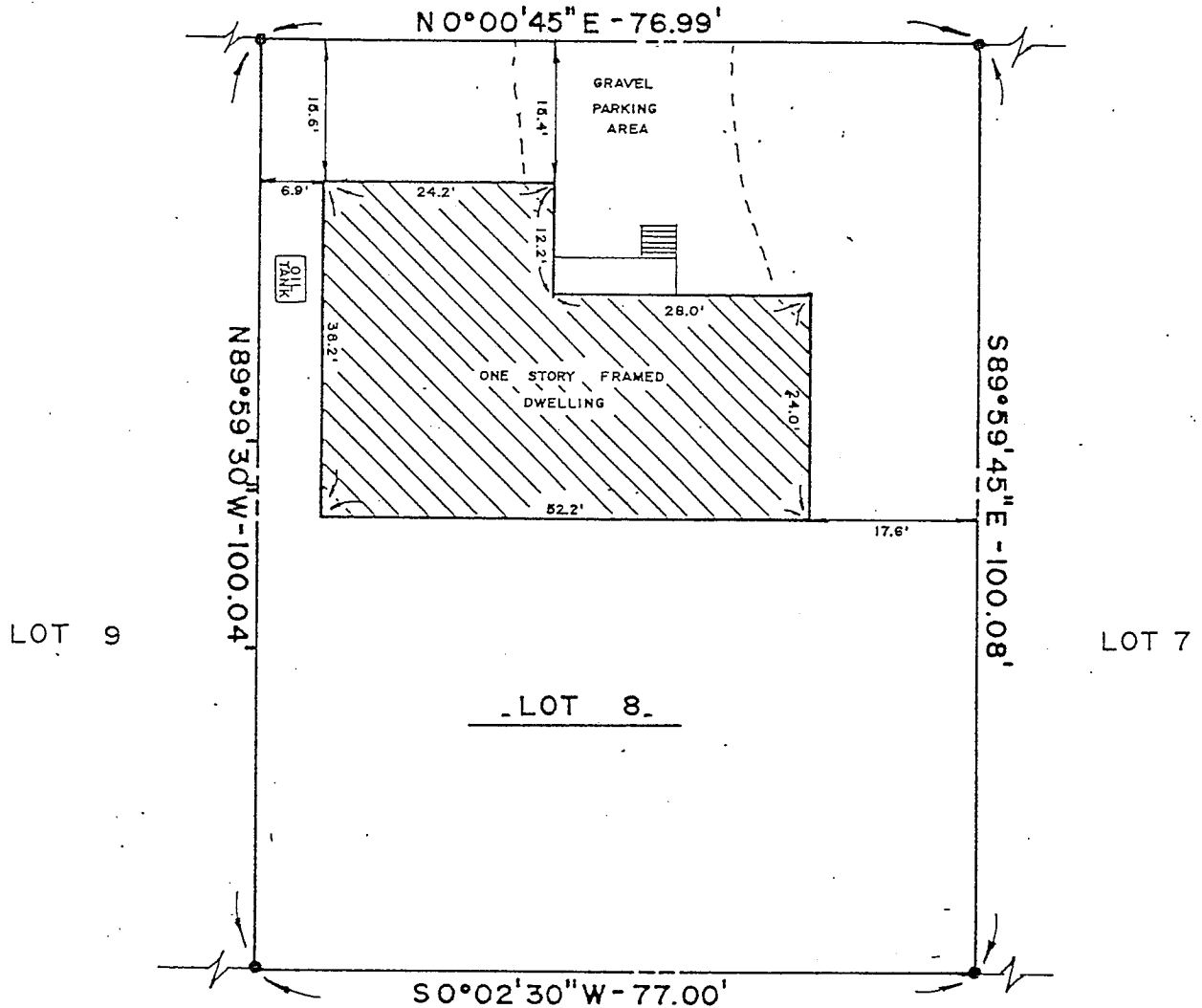
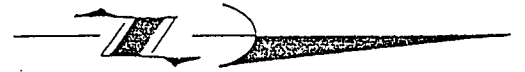
\_\_\_\_\_  
Brian Templin, City Planner

Peratovich, Barry



R&M CONSULTANTS, INC.

CEDAR LANE



LOT 9

LOT 7

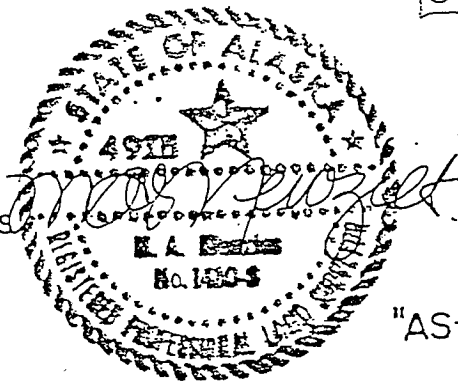
LOT 8

LOT 2 S-2611

0713

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT OF LOT 8, CRAIG MILLAR SUBDIVISION AND THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS APPEARING ON THE LAND ARE AS SHOWN; AND THAT THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS THEREON.



"AS-BUILT" PLAT OF  
LOT 8  
CRAIG MILLAR SUBDIVISION  
A FRACTION OF U.S.S. N° 2611  
CRAIG \_\_\_\_\_, \_\_\_\_\_ ALASKA

DATE 7/80	SCALE 1" = 20'	DRAWN BY ME	CHECKED BY MAM	PROJECT NO. 937108	DRAWING NO. 108-121
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RECEIVED

JAN 22 2016

TO; THE CITY OF CRAIG PLANNING AND ZONING  
BOARD OF DIRECTORS

FROM; DON GLORE

SUBJECT: 703 NIGHT COURT, LOT 20B

QUESTION? EVERYTIME I PUT IN FOR A  
PERMIT WITH YOU , YOU COME BACK AT ME  
LIKE I'M LYING OR GOING TO DO SOMETHING  
ILLEGAL,

NO WHERE ON MY APPLICATION DO I SEE  
WHERE I'M GOING TO BUILD WITH IN 10 FEET  
OF PROPERTY LINE, ACTUALLY ITS SAYS 12 FEET,  
I PADDED WITH 2 EXTRA FEET,

SO TO INSURE I DON'T BUILD A HOUSE  
WITH IN 10 FEET OF THE PROPERTY  
LINE, I WILL CANCEL, THIS PERMIT,  
REMOVE EVERYTHING OFF THE

PROPERTY, BLOCK OFF THE DRIVEWAY,  
AND LET THE TREES GROW BACK, THEN I  
WON'T DO ANYTHING ILLEGAL,

Signature \_\_\_\_\_ Date \_\_\_\_\_ Signature of Property Owner \_\_\_\_\_

**Special Conditions of Approval.**  
The following conditions of approval are made a part of this permit as provided by section 18.06.001B 6 of the Craig Land Development Code:  
#1. No walls or decks (above 30" from ground) within 10' of property lines

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Permission is hereby granted to perform the above work in compliance with any and all conditions listed above and in compliance with the Craig Land Development Code and all other ordinances of the City of Craig and the State of Alaska pertaining to the construction of buildings.

Signature of City Building Official *[Signature]* Date 1/20/16

January 2005 Form

BB02-16

**SITE PLAN**

Show the items from the checklist below in the drawing grid. The drawing must be legible and accurate

<input checked="" type="checkbox"/> Lot lines and dimensions			<input checked="" type="checkbox"/> Water lines
<input checked="" type="checkbox"/> Distances from all structures to lot lines	12'	ALREADY INSTALLED	<input checked="" type="checkbox"/> Sewer lines
<input checked="" type="checkbox"/> Proposed structures with dimensions	40X40'		<input checked="" type="checkbox"/> Electric lines and poles
<input checked="" type="checkbox"/> All easements, streets, alleys, sidewalks			<input checked="" type="checkbox"/> Driveways
<input checked="" type="checkbox"/> Existing structures and their dimensions	NONE		<input checked="" type="checkbox"/> North Arrow
<input checked="" type="checkbox"/> Parking spaces			<input checked="" type="checkbox"/> Other pertinent information

**NOT A BUSINESS**