

**CITY OF UNALASKA
UNALASKA, ALASKA
PLANNING COMMISSION MINUTES
Thursday, November 21, 2013
CITY COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

- 1. CALL TO ORDER:** Chair Chris Bobbitt called the meeting to order at 7:03 P.M.

Staff Present:

Erin Reinders, AICP, Planning Director
Anthony Grande, Planning Administrator

Roll Call:

Commissioners present:

Chris Bobbitt
Doanh Tran
Vicki Williams

Commissioner absent:

Steven Gregory

- 2. REVISIONS TO THE AGENDA:** *None*

- 3. APPEARANCE REQUESTS:** *None*

- 4. ANNOUNCEMENTS:** Erin Reinders informed everyone that she and Anthony Grande attended the American Planning Association – Alaska Chapter where they shared a presentation on collaborative land use planning and the department’s involvement with the Community Planning Assistance. Their talk was well received and hopefully next year the department can fund one Planning Commissioner to go and gain some contacts and training. Mr. Grande added that they attended Planning Commissioner training which would be especially helpful to the Commissioners.

- 5. MINUTES:** Vicki Williams moved to approve the minutes from the October 17, 2013 meeting. There was a second. Chair Bobbitt called for a discussion or comments on the minutes. There being no comments, Chair Bobbitt called for a vote and the motion to approve the minutes was unanimous (3-0). The minutes for the October 17, 2013 meeting were adopted.

PUBLIC HEARING ACTION ITEMS:

- 6. Conditional Use Permit to allow for a Mixed Use Structure with three (3) residential units in a General Commercial Zoning District on Lot 4 of Block 10, USS 1992, located at 88 Broadway.**

Chair Bobbitt opened the Public Hearing and asked the Commissioners to disclose any ex parte communication or conflicts of interest. Hearing none, the Chair called for staff presentation.

Mr. Grande explained that the proposed development would be a new mixed-use structure adjacent to the existing building shown in the map. The new construction will contain a first floor commercial area and three residential units total on the second and third floors of the building. The Conditional Use Permit is to allow the three residential units as the property is zoned General Commercial. The Fire Marshall will be reviewing this application and the State Fire Marshall will have the opportunity to address the small space separating the buildings. Staff pointed out that the current building is a Non-Conforming Use of Record with three (3) residential units at the time the Zoning Code passed, however this Conditional Use Permit would replace these units and the Non-Conforming Use of Record. The Conditional Use Permit will be maintaining the same number of units in separate, newer, and better quality structures.

Staff finds that the application meets the tests of code and recommended approval of this application with conditions as contained in Resolution 2013-21.

Chair Bobbitt asked if the Commissioners have any questions for Staff. Ms. Williams asked where the parking is located. Chris Bobbitt and Staff showed her where the parking plan is in the packet. Staff also explained that the parking spaces are twenty feet by nine feet each as required by code and there are sixteen (16) spaces including a handicap parking. Additionally, the spaces are laid out so that they are all useable parking.

Chair Bobbitt asked Staff if the applicant had indicated his plans for the existing structure. Staff said that with the parking calculation shown in the site plan, the implication is that it will continue to be used as a commercial space. It is the second floor residential space that is not accounted for in the parking plan. Staff said that it was made clear to the applicant that the second floor residential units should not be used until required parking was provided and conditional use permit was granted. This was also addressed in the conditions of approval.

There being no applicant presentation, Chair Bobbitt asked if there were any public present wishing to comment on this issue. Hearing none, Chair Bobbitt closed the Public Hearing and called for a motion to approve Resolutions 2013-21. Ms. Tran moved to approve Resolution 2013-21. There was a second.

Chair Bobbitt asked if there were any questions or comments from the Commissioners. Ms. Tran commented that the application appeared to be straightforward.

Chair Bobbitt asked if there were any further discussions. Hearing none, Chair Bobbitt called for a vote and the motion passed unanimously (3-0). The motion carried and Resolutions 2013-21 was adopted.

7. A Conditional Use Permit to allow for a Mixed Use Structure with a total of one (1) residential unit in a General Commercial Zoning District on Lots 8, 9, and 11 of Block 1, USS 1992, located at 28 N. 2nd Street.

Chair Bobbitt opened the Public Hearing and called for any ex parte communication or conflict of interest to be disclosed. Ms. Williams stated that she has property in the downtown area near the location of this property but that it will not affect her decision.

Mr. Grande explained that the application is similar to the previous Conditional Use Permit heard earlier. Both are mixed-use structures with a residential component in a General Commercial District. The difference is there will be no new construction on this property as the residential unit is proposed to be located in the existing building. The owner will be required to get a building permit for the renovations inside. Being a mixed-use structure a Fire Marshall review will be required. Staff finds that parking is adequate for all three properties. Staff also finds that the application meets the tests of code. The intensity of use is within reason and mixed-use properties are common in the area. Staff finds that the impact is no greater than you would expect from other uses in the General Commercial District.

Staff finds that the application meets the tests of code and recommended approval of this application with conditions as contained in Resolution 2013-22.

Staff informed the Commissioners that they have received three (3) comments. One is in favor of the application, another member of the public expressed hesitation without specifically saying yes or no and another opposed the application. Staff also said that minutes from past meetings that were relevant to this property were included in the meeting packet to provide an historical context.

Chair Bobbitt asked if there were any questions or comments from the Commissioners. Ms. Williams asked what the proposed use of the building was going to be. Staff answered that the first floor will be a general commercial area although nothing was indicated on the application as to what the particular business would be, and that the second floor was proposed for one residential unit.

Applicant Presentation: Chris Honan, Alexandria House's representative, stated that the Staff's report is accurate in the proposed use that the bottom floor will be a commercial area and the second floor will be a single dwelling that will be rented out. He said he knows that there are many concerns in the community that it will be a bar again and he made assurances that it will not be like that. Mr. Honan explained the downstairs would be leased out to a proprietor of a café or clothing store. Alexandria House's mission is to help people who are stranded here or have been released from jail to get a flight out or find a place to stay temporarily until they can get a flight out of town. They do not provide for people who are under the influence of alcohol or drugs. The rent proceeds from the property will fund their mission so they can rent a room elsewhere. Normally a room would be found in a hotel or at Chili Peppers. If there is a vacancy in this building, they may look at having free rent for a night or two for individuals in need, however, this is just being considered and would not be typical.

Mr. Honan, in response to Ms. Williams question regarding people wandering around the neighborhood, explained that they typically meet up with an individual around 8PM and make sure they are sober before they are allowed to stay in for the night. By 6:30AM, the next day the person has to be out of the house. These policies, however, are related to activities taking place on another site in an individual's private home. Currently, there is no renter in the building being considered tonight, as it is undergoing renovation. It will take a year or so before someone can move in.

Public Testimony: Suzi Golodoff, who lives about thirty-feet from the property, said that she and her neighbors object to the proposal and object to having a homeless shelter in the neighborhood. She outlined three options to the use of the property; one was to leave it commercial; second, grant the conditional use permit; and third, make it residential altogether. As the request stands now she has to object to the granting of the conditional use permit and leave it as a general commercial zone so no one camps in the property.

Chair Bobbitt briefly interrupted the testimony to point out that there is an existing conditional use of the property for the previous owner that is worded exactly as this conditional use application – one residential dwelling unit upstairs and a commercial use downstairs - and standard Planning practices state that if you grant something for one owner of the same property you should grant it to the other owner. Chair Bobbitt pointed out that if the conditional use permit is granted, enforcement issues would come up if the property were to be used in other ways, such as a temporary emergency shelter.

Ms. Golodoff said that she thought that when Jack Sternhagen applied for the conditional use permit the condition was he had to have it up to code at the end of December and that did not happen. Ms. Golodoff thought that the conditional use permit was invalid at that point because the renovation was not complete and did not realize that there is an existing conditional use permit.

Ms. Reinders explained that a conditional use permit more than likely involves construction activity and an applicant has a year to make his plans come to fruition before the permit expires. With regard to this application, the property owner came to the Planning Commission before it expired and requested another permit, virtually an extension, which was granted. Another year has gone by and the renovations are still not done. During this past year, however, the property changed ownership so now we are exactly where we were a year ago but with a different property owner. All the meeting minutes related to these requests are included in the packet.

Chair Bobbitt asked any other from the public who would like to testify. Hearing none, Chair Bobbitt asked the Commissioners if they had any questions for the public. It was clarified that the residential unit is a dwelling or an apartment and not a “flop house”, the term used during the public testimony. Mr. Honan and Chair Bobbitt both agreed that the residential unit was for an apartment.

Chair Bobbitt asked if there were any comments or questions from the Commissioners. Hearing none, Chair Bobbitt closed the Public Hearing and called for a motion to approve Resolutions 2013-22. Ms. Williams moved to approve Resolution 2013-22. There was a second.

Commission Discussion: Chair Bobbitt asked if there were any discussions from the Commissioners.

Ms. Tran said that Chair Bobbitt brought up a good procedural point when he explained that when you grant something for one owner of the same property you should grant it to the other owner. She also appreciated the public for coming to the meeting to voice their opinion on the matter.

Chair Bobbitt said that the way this request is worded, the intent is for somebody to live there long-term and it is not the intent or use as a temporary lodging for people who are stuck here in town with problems. He also said that as this has been granted twice now to two previous owners and he finds it difficult to say no to the request because it was granted before.

Chair Bobbitt said that the Commission would do a roll call vote given the sensitive nature of the application. Williams – Aye; Tran – Aye; Bobbitt – Aye. The vote was unanimous (3-0). The motion carried and Resolution 2013-22 was adopted.

REGULAR MEETING:

8. Receipt of Planning Determination date October 14, 2013 regarding the Preliminary Plat of Hillside Subdivision Utility Improvement Guarantee Refund.

Staff explained that this is for informational purposes only. Ms. Reinders explained that for final plat of Hillside Estates to be recorded prior to the installation of water utilities improvement, the property owners were required to provide a guarantee that the improvements would be installed. Since then the water utilities have been installed and so this Planning Determination was made to authorize the refund of the guarantee that had been provided.

9. OTHER BUSINESS: *None*

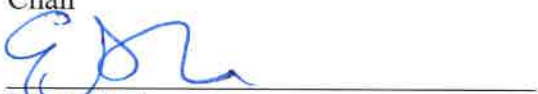
10. ADJOURNMENT: Chair Bobbitt adjourned the meeting at 7:45 P.M.

PASSED AND APPROVED THIS 23rd DAY OF January 2013 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.



Chris Bobbitt
Chair

1/23/14
Date



Erin Reinders, AICP
Recording Secretary

1/23/14
Date

Prepared by Veronica De Castro and Erin Reinders, Planning Department