

City and Borough of Wrangell Planning and Zoning Commission AGENDA

Thursday, July 09, 2020 6:00 PM Location: Borough Assembly Chambers City Hall

### Planning and Zoning Commission meeting 7-9-20 6:00 PM

#### A. CALL TO ORDER / ROLL CALL

#### **B. AMENDMENTS TO THE AGENDA**

#### **C. CONFLICTS OF INTEREST**

#### **D. APPROVAL OF MINUTES**

<u>1. Approval</u> of the minutes of the June 11, 2020 Regular Meeting

#### **E. PERSONS TO BE HEARD**

#### **F. CORRESPONDENCE**

#### **G. NEW BUSINESS**

- 1. Request to purchase City owned unsubdivided tidelands adjacent to Lot B, Block 84, Blatchley/Curtis Replat zoned Single Family Residential, requested by Josh Blatchley.
- 2. ITEM WITHDRAWN: (PH) Conditional use permit application for an in-home licensed child care facility on Lot 4B-2, Block 2, USS 1593, zoned Single Family Residential requested by Lisa Gillen, owned by John Bartlett
- 3. Conditional use permit application for an in-home licensed child care facility on Stall #9, Tract A2, JB Subdivision, zoned Rural Residential, requested by Solvay Gillen, owned by William and Deveril Bloom.

#### **H. OLD BUSINESS**

#### **I. PUBLIC COMMENT**

#### J. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

#### **K. ADJOURNMENT**

City and Borough of Urangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION June 11, 2020 6:00pm Minutes

#### A. CALL TO ORDER / ROLL CALL

Chair Henson called the meeting to order at 6:00 pm.

PRESENT Chair Terri Henson Vice-Chair Donald McConachie Commissioner Apryl Hutchinson Commissioner Kate Hein Commissioner Jillian Privett

Also present were staff Carol Rushmore and Aleisha Mollen

#### **B. AMENDMENTS TO THE AGENDA**

None.

#### **C. CONFLICTS OF INTEREST**

None.

#### **D. APPROVAL OF MINUTES**

#### 1. Approval of the minutes of the April 9, 2020 Regular Meeting

#### Motion made by Commissioner Privett, Seconded by Commissioner Hutchinson to approve the minutes of the April 9, 2020 Regular Meeting as presented.

Voting Yea: Chair Henson, Vice-Chair McConachie, Commissioner Hutchinson, Commissioner Hein, Commissioner Privett

#### 2. Approval of the minutes of the May 14, 2020 Regular Meeting

#### Motion made by Commissioner Privett, Seconded by Commissioner Hutchinson to approve the minutes of the May 14, 2020 Regular Meeting as presented.

Voting Yea: Chair Henson, Vice-Chair McConachie, Commissioner Hutchinson, Commissioner Hein, Commissioner Privett

#### **E. PERSONS TO BE HEARD**

None.

#### **F. CORRESPONDENCE**

#### 1. Survey Land Work: A Report to the Assembly

Rushmore stated that this is the memo that went to the Assembly from the City Manager related to item G3.

#### **H. NEW BUSINESS**

1. (PH) Conditional use permit request for a cottage industry to rent a single family residence as a short term vacation rental, on Lot 3A-1A, 5 Star Fish Subdivision, (Plat No. 2019-6), zoned Single Family Residential, requested by Dori Matney and Jean Vander Molen.

Public Hearing opened at 6:05 p.m.

No one was present to speak.

Public Hearing closed at 6:05 p.m.

Motion made by Commissioner Privett, Seconded by Commissioner Hein to approve findings of fact and the conditional use permit request for a cottage industry allowing the residence to be used as a short term vacation rental, subject to the following condition: 1) Provide Guest Guidance or similar document on noise and expected behavior to encourage respect for the residential district and neighbors.

Voting Yea: Chair Henson, Vice-Chair McConachie, Commissioner Hutchinson, Commissioner Hein, Commissioner Privett

# 2. Review of a request by Jim and Sue Nelson to purchase City Land adjacent to the switch yard near Public Works.

Jim Nelson was present to speak on this item. They want to straighten the property line to square it up.

#### Motion made by Commissioner Privett, Seconded by Vice-Chair McConachie to recommend to the Assembly to enter into negotiations with Mr. Nelson to sell or lease the requested land, and address the access and utility issues associated with the water main and electrical facilities.

Rushmore explained that there is a water main that runs through this area and she was waiting on this before the meeting. Somewhere in the portion of the lot that they would like to purchase, lies the main so there would need to be an easement added for future needs. Clarification was provided that this is a recommendation to negotiate for the sale that would include negotiating the easement as well.

There was much discussion about the types of easements needed and if that needed to be reviewed for both lots or only the lot in question for purchase.

Voting Yea: Chair Henson, Vice-Chair McConachie, Commissioner Hutchinson, Commissioner Hein, Commissioner Privett

#### 3. Discussion about the proposed zoning of the Institute Property

Rushmore provided a background on what has transpired since the last meeting. She has been working with the surveyor to get the property surveyed. Block 1 and Tract 1 are what will be originally surveyed to have lots for sale. Administration asked about including Tract 2 and 3, to allow for more land to be surveyed at a time for cost effectiveness. Rushmore was directed to bring this back to the Commission to see if they still want Commercial included.

The Commission agreed that they would still like to see some commercial zoning available.

# Commissioner Privett moved and McConachie seconded to recommend to the Assembly to include Commercial Zoning within Tract 2 and 3.

Voting Yea: Chair Henson, Vice-Chair McConachie, Commissioner Hutchinson, Commissioner Hein, Commissioner Privett

#### **G. OLD BUSINESS**

None.

#### **I. PUBLIC COMMENT**

Jackie DeMontigny joined the meeting and was unable to join early enough to provide input on Item G1. She had questions about the process and being able to provide comment after the fact.

#### J. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

The next meeting will be July 9, 2020. McConachie stated that he would not be available then.

#### **K. ADJOURNMENT**

Chair Henson adjourned the meeting at 6:32 p.m.

CHAIRPERSON

SECRETARY

City and Borough of Wrangell

Agenda Item G1

Date: July 6, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request to purchase City owned unsubdivided tidelands adjacent to Lot B, Block 84, Blatchley/Curtis Replat, zoned Single Family Residential, requested by Josh Blatchley.

**Background:** The applicant is seeking to purchase the remaining unsubdivided, unsold tidelands along the shoreline adjacent to his upland property.

Recommendation: Recommend Approval

Recommended Motion: Move to recommend to the Assembly to sell to Josh Blatchley the remaining portion of unsold City owned tidelands adjacent to Lot B, Block 84, Blatchley/Curtis Replat

Review Criteria: WMC 16.12.030 Sale of Tidelands

#### Findings of Fact:

A request to dispose of tidelands needs to be reviewed by the Port Commission and the Planning and Zoning Commission with a recommendation made to the Assembly. The Port Commission is reviewing the request on July 7, 2020 and staff will provide a memo regarding their decision prior to the Planning and Zoning Commission meeting. The action by the Commission is a recommendation to the Assembly.

Portions of the tidelands on either side of the area requested for purchase by Mr. Blatchley have already been sold or leased. The tideland parcel adjacent to the area Mr. Blatchley is seeking to buy is owned by the landowner and the parcel to the south is leased by the landowner. Of the two remaining tideland parcels, one is still in City ownership and the other is leased by the adjacent landowner. Mr. Blatchley is requesting to purchase the final portion of unsubdivided tidelands between the existing subdivided tideland parcels.

Due to the private upland ownership adjacent to the requested area, and the fact that tidelands on either side have been disposed of, it is very unlikely that there would be a need for use of these particular tidelands. There is still adequate boat access to the dock and to the adjacent properties.

June 9, 2020

To the City of Wrangell,

I am writing this letter to express my interest to sub-divide and purchase a portion of tidelands from parcel # 02-024-600. This tideland lot will be located on the harbor side of Shekesti (Shustak) PT.

Between parcel #02-013-107 (block 84b lot 6), and parcel #02-012-105 (block 84b lot 4).

I am the owner of the upland lot parcel 02-013-201 (block 84 lot b). The sub-dividing line will be a line connecting the two established harbor side corners of the adjacent parcels mentioned above.

Thank you for your time.

Sincerely

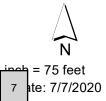
Josh Blatchley

Josh Blatchley 122 Sunset Blvd. P.O. box 1431 Wrangell, AK. 9929 907-305-0765

jblatchor@gmail.com

# CITY AND BOROUGH OF WRANGELL, ALASKA

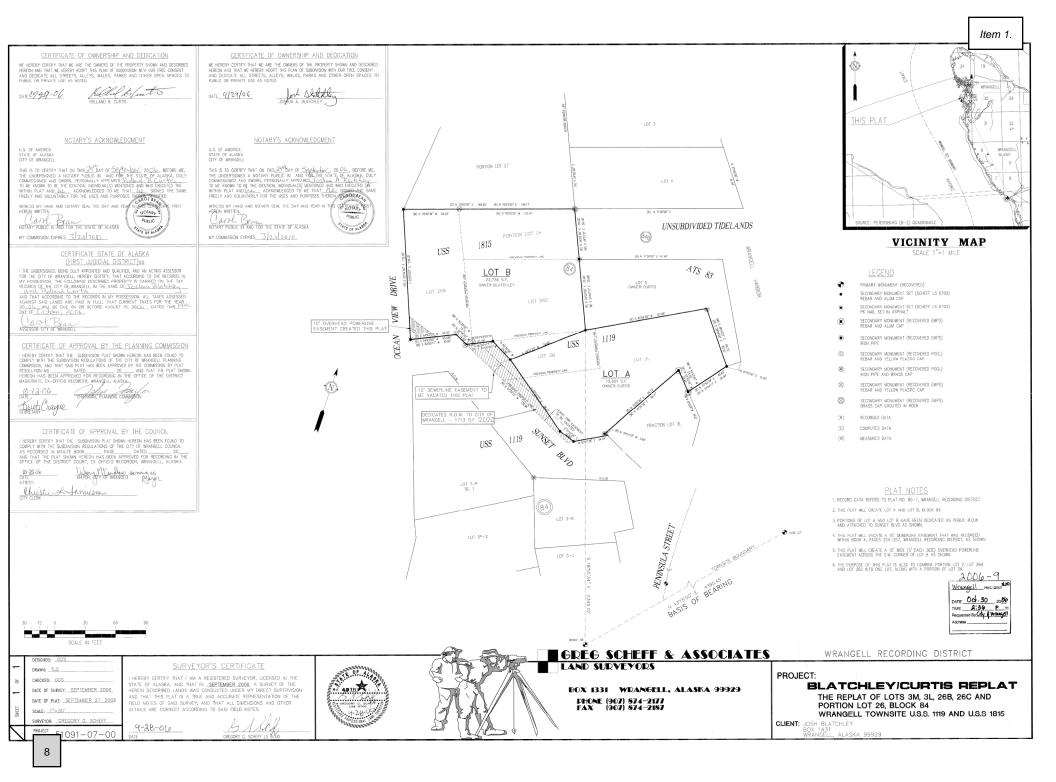




Public Map



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY. PROPERTY LINES ARE APPROXIMATE. AERIAL 2002.



City and Borough of Wrangell

Date: July 7, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: WITHDRAWN : Conditional use permit application for an in-home licensed child care facility on Lot 4B-2, Block 2, USS 1593, zoned Single Family Residential requested by Lisa Gillen, owned by John Bartlett .

This morning July 7, 2020, as staff was preparing to complete the packet, we received a phone call from the owner of one of the adjacent lots, Peggy Wilson, regarding the proposed business. She indicated that a covenant had been signed and recorded for all four lots that are part of the Woody Wilson Subdivision that clearly outlines uses and maintenance of the easements as well as indicating that there would be no commercial businesses to be operated on any of the lots. The current landowner was provided a copy of the covenant and acknowledged receipt. A copy of the recorded covenant is attached.

Therefore this item is removed from the Agenda to meet the terms of the Covenant.



#### **DECLARATION OF COVENANTS**

THE DECLARANT, Peggy Wilson, whose address is 22971 State Highway AA, Greentop, Missouri, 63546 is the owner of the following real property located in the Wrangell Recording District, First Judicial District, State of Alaska:

Lots 4B-1, 4B-2, 4B-3 and 4B-4, Woody Wilson Subdivision, the Subdivision of a Portion of Lot 4, Block 2, Wrangell Townsite, U.S.S. 1593, Recorded as Plat 2012-4, Wrangell Recording District, First Judicial District, State of Alaska.

The Declarant hereby places the following covenants upon the above-described properties, to bind and inure to the benefit of each owner thereof, and to run with the land in perpetuity:

- 1. The properties will be used only for residential purposes. No commercial activities will be permitted on the properties.
- 2. All structures placed on the properties must be permanent and situated on permanent foundations. No temporary structures (including mobile homes or trailers) will be permitted on the properties.
- 3. Any new residential buildings built on the properties must have a minimum of one thousand two hundred (1,200) square feet.
- 4. Any new residential buildings built on the properties may have only one unit. No new multi-unit buildings will be permitted on the properties.
- 5. If a residential building currently on the property is destroyed or torn down and replaced, the replacement will be considered a "new residential building" subject to Covenants Three (3) and Four (4), above.
- 6. The properties are accessed by a common driveway, and all properties have equal and absolute rights to use the driveway for access to and from the properties. The owners of the properties will equally share the costs of repair, maintenance and regular snow removal for the common driveway. The driveway will be kept in good repair to its current condition, but this covenant does not require the owners to share in the costs of improving the quality of the driveway unless all owners agree to do so.
- 7. The properties are served by common water, sewer and electrical lines and all properties have equal and absolute rights to use these lines for utility service to

Covenants—Woody Wilson Subdivision

and from the properties. If these lines are damaged or in need of repair, those properties affected by the damage or need for repair will share the repair costs equally. For example, if a line is damaged in such a place that it only affects service to two of the four lots, those two lots alone will equally share the costs to repair the damage.

- 8. If one property owner (or that owner's renters, guests or invitees) causes damage to the common utility lines or driveway beyond usual wear and tear, that owner will be solely responsible for the costs of repairing the damage within thirty days.
- 9. No signs or billboards may be placed on the properties except professional signs advertising a property for sale or rent, or identifying a professional (such as a contractor or architect) actually engaged in construction or remodeling work on the property.
- 10. No refuse, including abandoned or derelict vehicles or machinery, will be permitted to accumulate on any property. Functioning vehicles actually in use by property residents and visitors, including boats and ATVs, may be parked on the properties only in properly-improved (paved, graveled, etc) and designated parking areas. Construction materials will be permitted to accumulate on a property only when construction or remodeling work is actually underway on the property. Any construction or remodeling project on a property must be completed within one year.
- 11. No illegal or offensive activities, such as activities producing noxious odors or creating a nuisance, will be permitted on the properties.
- 12. The properties, including building exteriors, must be kept clean, neat and orderly. Lawns on the properties must be kept appropriately mowed.
- 13. The properties will be subject to "quiet hours" between 10pm and 7am when no noises loud enough to carry to the neighboring properties will be permitted.

The following special conditions apply to Lot 4B-1 only:

- 14. Only one residential structure, conforming to Covenants Three (3) and Four (4) above, will be permitted on Lot 4B-1.
- 15. The owner of Lot 4B-1 will be solely responsible for the cost to connect Lot 4B-1 to the common driveway and common utility lines.
- 16. If the City of Wrangell establishes and constructs Meridian Street (which is platted adjacent to Lot 4B-1), the owner of Lot 4B-1 may choose to construct driveway access between Lot 4B-1 and Meridian Street, in which case Lot 4B-1 will no longer have rights to use the common driveway or responsibility to share

Covenants—Woody Wilson Subdivision





in its maintenance under Covenant Six (6), above. Similarly, if the owner of Lot 4B-1 chooses to connect Lot 4B-1 to the utilities available from Meridian Street, Lot 4B-1 will no longer have rights to use the common utility lines or responsibility to share in costs to repair them under Covenant Seven (7) above.

17. A temporary structure will be permitted on Lot 4B-1 for a period no longer than one year if occupied by the owners of the Lot while constructing a permanent structure on the Lot.

All transfers, sales and conveyances of the above-described properties shall be subject to the above-described covenants.

Wilson DATED: 3-22-19 ACKNOWLEDGMENT

STATE OF MISSOURI	)			
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THIS CERTIFIES t	hat on this	day of	May	, 2019, before
me, the undersigned, a Not	ary Public i	n and for the Sta	ate of Missouri, p	ersonally appeared
Peggy Wilson, to me know	n and know	vn to me to be th	ne person named	as Declarant in the
foregoing Declaration of Co	ovenants and	d she acknowled	ged to me that she	executed the same
freely and voluntarily for th	e uses and r	ourposes therein	mentioned.	

WITNESS my hand and official seal the day and year in this certificate first above

DANE RIGGENBACH Notary Public - Notary Seal Adair County - State of Missouri Commission Number 17792251 My Commission Expires Dec 11, 2021 Notary Public for Missouri

Return to:

written.

Lael Harrison, Faulkner Banfield, P.C., 8420 Airport Blvd., Suite 101, Juneau, AK 99801

Covenants-Woody Wilson Subdivision

Page 3



City and Borough of Wrangell

Date: July 2, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional use permit application for an in-home licensed child care facility on Lot 4B-2, Block 2, USS 1593, zoned Single Family Residential requested by Lisa Gillen, owned by John Bartlett .

**Background:** The applicant is seeking to have an in-home licensed childcare facility within their residence for up to 8 children from birth to 12 years old.

Recommendation: Approve with Conditions

**Recommended Motion**: Move to approve the findings of fact and the conditional use application request for a state licensed day care facility subject the following conditions:

- 1. A minimum of three off-street parking places are dedicated onsite for the resident and the and the licensed child care business.
- 2. Rules for clients of the day care facility should include courteous and slow use of the access easement.
- 3. Rules should include kids remaining and playing in yard area and not on adjacent landowners' property.

#### **Review Criteria:**

Single Family Residential: Chapter 20.16 Standards: Chapter 20.52 Conditional Use Permits: 20.68

#### Findings of Fact:

Conditions of Approval for conditional use applications include:

1) Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc. The property is zoned Single Family Residential which allows cottage industries and child care centers as a conditional use permit (WMC 20.16.040). Home Occupations (WMC 20.08.380) are allowed as an accessory use within the home as long as there are no changes from the characteristics of the permitted use. Cottage Industry (WMC 20.16.030) requires a conditional use permit and is for uses that are compatible with the underlying zone but could potentially have impacts to the adjacent property owners. A childcare facility that has up to 8 kids could see an increase in noise and traffic to the neighborhood mornings/mid day/ evenings as a parent comes and goes to drop off or pick up children. The increase in traffic over all is likely to be minimal as most of the children being watched are grandchildren. However that could change in the future. Access to Lot 4B-2 is via an easement across the lot in front that has Evergreen Avenue road frontage. The additional daily traffic could provide some wear on the access road creating issues not only for the applicant and clients using the driveway easement but also for the landowner with

the property the easement is on. Care should be taken to help maintain the driveway easement by all users. The applicant shows there are at least 3 parking spaces for cars to park while dropping off or picking up kids, more if the easement is used adjacent to the house.

2) Provisions of sewer and water: The property is connected to sewer and water.

#### 3) Entrances and off-street parking available without safety issues:

Access to the residence is via a driveway easement across another lot that fronts on Evergreen Avenue. Childcare facility in a home is required to have at least one off-street parking place for the business, and one off street parking place for the residence for a total of 2 off street parking places. The property has space for at least the 3 off street parking areas. Or more if the driveway easement adjacent to the house is blocked by a car.

#### CITY OF WRANGELL, ALASKA CONDITIONAL USE APPLICATION

Item 2.

PLANNING AND ZONING COMMISSION P.O. BOX 531 WRANGELL, ALASKA 99929 Application Fee: \$50

Lisa

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Gillen

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(360) 702 2904

I. Applicant's Name and Address:

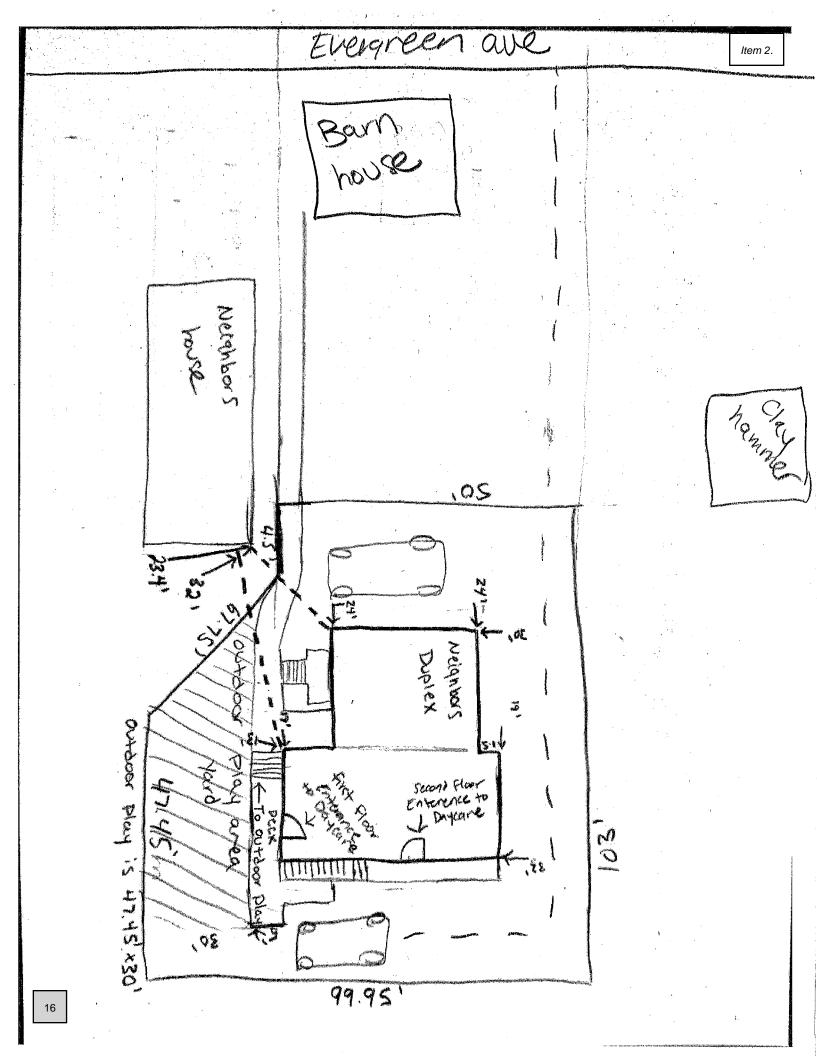
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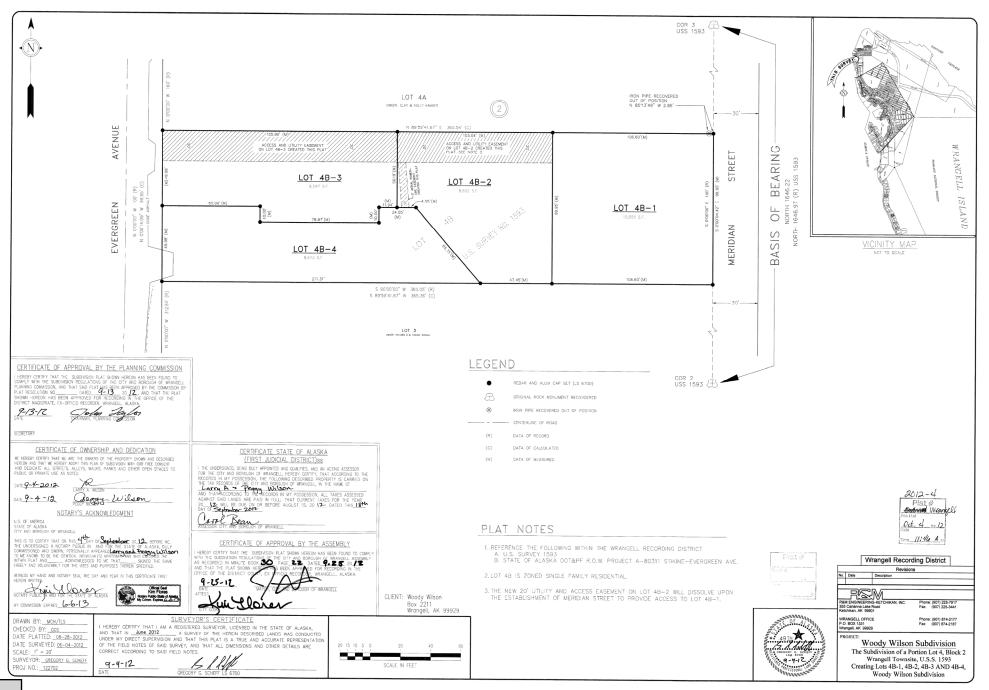
**Applicant's Phone Number:** II. Owners's Name and Address:

Owner's Phone Number: 907 758 6	
III. Legal Description: Lot <u>4B 2</u> , Block <u>2</u> ,	U.S. Survey 1593
Parcel No 01 - 004	
IV. Zoning Classification: residential	
V. Specific Request: <u>Drovide Child care</u>	
grandchildren. Hours of or	peratron will be
rism loam - 10 pm mod	L-SUN,
Υ	an a
VI. Site Plan shall be submitted with the application. The plan structures, driveways, roadways, existing and proposed gradh be furnished upon request of the Zoning Administrator.	
VII. Construction Schedule: BEGIN:	END:
SIGNATURE OF OWNER: John Butlet	DATE: 6-25-2020
SIGNATURE OF APPLICANT: Jub Outon	DATE: 06-24-2020

If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the applicant is other than the owner.





# CITY AND BOROUGH OF WRANGELL, ALASKA





nch = 75 feet te: 7/6/2020

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Public Map



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY. PROPERTY LINES ARE APPROXIMATE. AERIAL IS 2002

City and Borough of Urangell

Date: July 6, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional use permit application for an in-home licensed child care facility on Stall #9, Tract A2, JB Subdivision, zoned Rural Residential, requested by Solvay Gillen, owned by William and Deveril Bloom.

**Background:** The applicant is seeking to have an in-home licensed childcare facility within their residence for up to 6 children from birth to 12 years old.

Recommendation: Approve with Conditions

**Recommended Motion**: Move to approve the findings of fact and the conditional use application request for a state licensed day care facility subject the following conditions:

- 1. A minimum of three off-street parking places are dedicated onsite for the resident and the licensed child care business.
- Rules for clients of the day care facility should include courteous and slow use of the trailer park access roads.
- 3. Rules should include kids remaining and playing in yard area and not on adjacent landowners' property or in other trailer yard areas.

#### **Review Criteria:**

Rural Residential: Chapter 20.28 Standards: Chapter 20.52 Conditional Use Permits: 20.68

#### Findings of Fact:

Conditions of Approval for conditional use applications include:

1) Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc.

The property is zoned Rural Residential which requires home occupations or cottage industries to seek a conditional use permit (WMC 20.16.040). A childcare facility that has up to 6 or 8 kids could see an increase in noise and traffic to the neighborhood mornings/mid day/ evenings as a parents come and go to drop off or pick up children. The increase in traffic over all is likely to be minimal, but it could increase at concentrated times. Access to the trailer is off Zimovia Highway and through the Trailer Park access road. The applicant shows there are at least 3 parking spaces for cars to park while dropping off or picking up kids – including one place in front and a vacant area to the side. Applicant has indicated the vacant area will remain so or they will lease it from the landowners.

2) Provisions of sewer and water: The property is connected to sewer and water.

### Item 3.

#### 3) Entrances and off-street parking available without safety issues:

Access to the residence is via the main driveway access to the trailer park. Childcare facility in a home is required to have at least one off-street parking place for the business, and one off street parking place for the residence for a total of 2 off street parking places. The property has space for at least the 3 off street parking areas.

	P
	F WRANGELL, ALASKA
	F WRANGELL, ALASKA FIONAL USE APPLICATION G AND ZONING COMMISSION P.O. BOX 531 ANGELL, ALASKA 99929 Application Fee: \$50
I. Applicant's Name and Address:	Solvay Gillen F P.OBOX191 LomporellAK-99929
<b>Applicant's Phone Number:</b>	(907) 10100 - 7150
II. Owners's Name and Address:	Solvay Gillen P.O Box 791 Wrangell, AK
O	marking TIFO
Owner's Phone Numb	
III. Legal Description: Lot Parcel No	
IV. Zoning Classification:	3 010 300-1
Ta	vate a daycare (childrare,
buisness within.	ny home trailer
VI. Site Plan shall be submitted with structures, driveways, roadways, exis be furnished upon request of the Zoni	the application. The plan shall show existing and proposed ting and proposed grading. Additional information shall ng Administrator.

Item 3.

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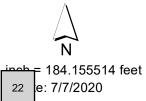
VII. Construction Schedule:	BEGIN:	END:
SIGNATURE OF OWNER:	Salay Seller	DATE: 10/240/2020
	() v ···································	
SIGNATURE OF APPLICAN	NT:	DATE:

If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the applicant is other than the owner.

# CITY AND BOROUGH OF WRANGELL, ALASKA

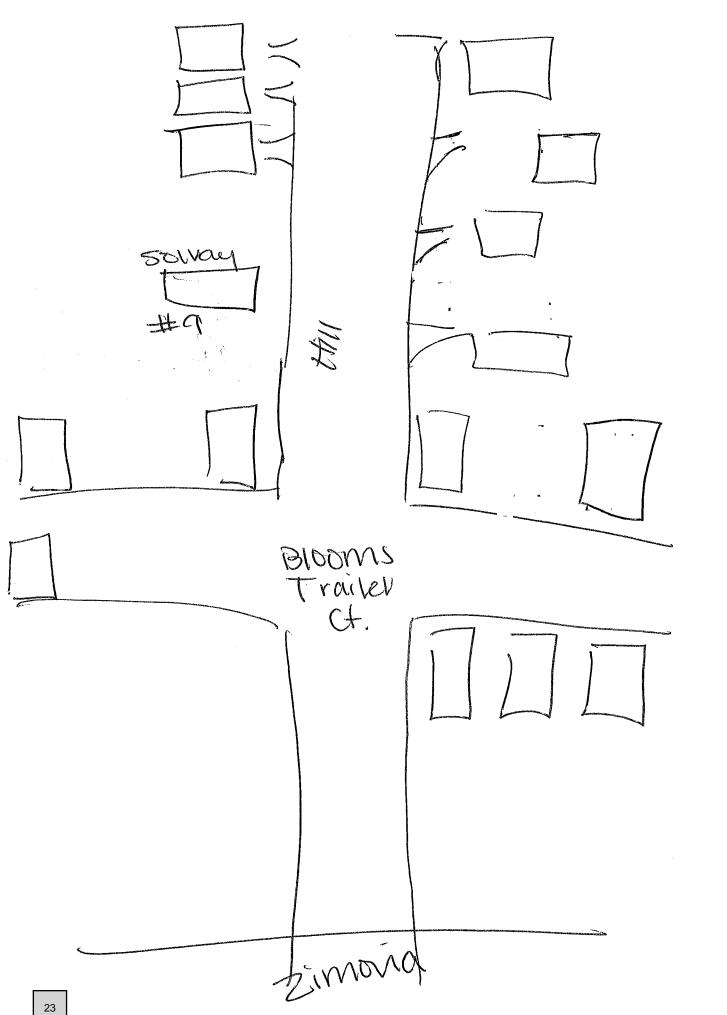




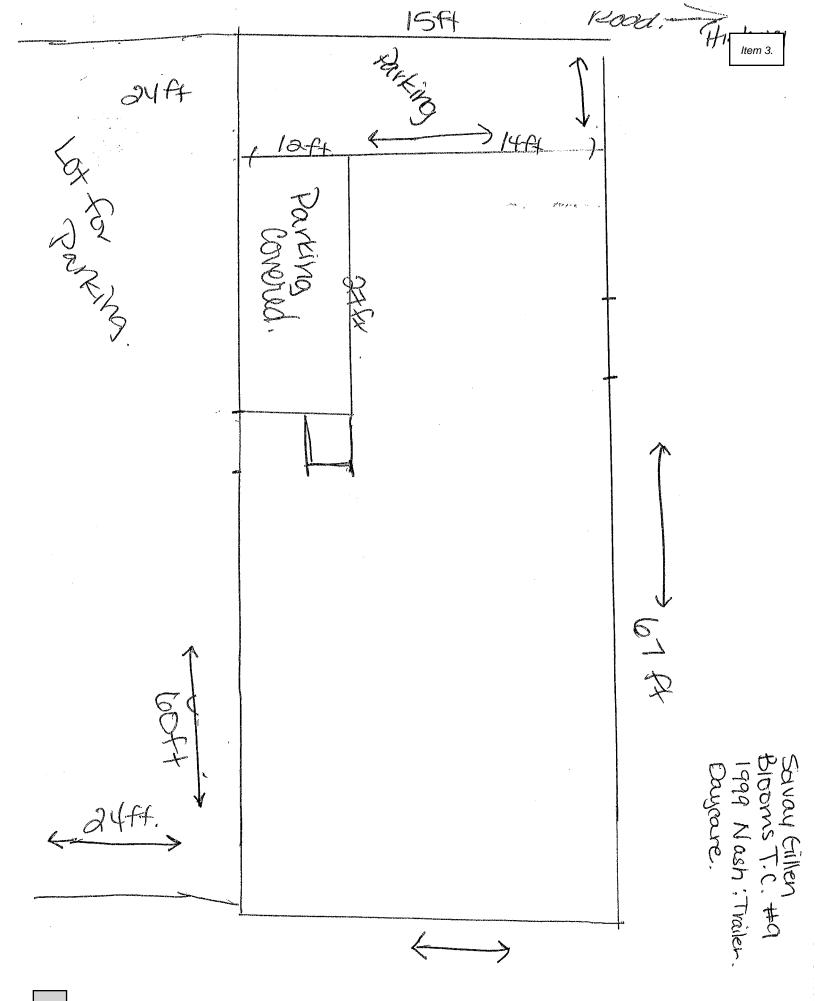
Public Map



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Item 3.



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### Daycare Center



Deveril Bloom <dbloom@gci.net> to me

To Whom It May Concern:

Solvay Gillen has our permission to operate a day care from her Hwy., Wrangell, AK.

Inbox x

Sincerely,

Willie and Deveril Bloom owners

Reply Forward