

2023_05_11 P&Z

Chair Lawson: Good evening. This planning and zoning commission meeting is called to order Thursday, May 11th, 2023 at 5 37. PM in assembly chambers.

Deputy Clerk: Hisman?

Hisman: Here.

Deputy Clerk: Lawson?

Chair Lawson: Here.

Deputy Clerk: Outcalt?

Outcalt: Here.

Deputy Clerk: Hanson?

Assemblymember Hanson: Present.

Deputy Clerk: Mabee absent, Kern absent. Three members present, quorum is established.

Chair Lawson: Thank you. Moving on to number two, Roll call. Can we get a roll call too? Oh, we just did. Okay. Sorry. Thanks. I'm going on number three minutes, um, a April 13th, 2023.

Hisman: Will I I went over 'em pretty good. And, uh, I will make a motion that we approve the minutes of the, um, regular p and z meeting of, uh, the 13th of April, 2023. As, uh, submitted.

Outcalt: I second that.

Chair Lawson: the April 13th, 2023 minutes has been moved by Commissioner Hisman and seconded by, uh, vice Chair Outcalt. Clerk, may we go to vote please?

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Three yeses. Motion passes.

Chair Lawson: Okay. Moving on to number four, approval of agenda.

Outcalt: Make a motion to approve the agenda as is.

Hisman: Second.

Chair Lawson: The agenda has been moved by Vice Chair Outcalt and seconded by Commissioner Hitman. Can we get a vote please.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Outcalt.

Outcalt: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Three yeses, motion passes.

Chair Lawson: Going on to number five, communications, a correspondence clerk, do we have any correspondence

Deputy Clerk: Uh, we did have one piece, um, of correspondence regarding the conditional use permit application. It is in your packet.

Chair Lawson: Thank you. Item B, Permitting Official's report. Mrs. Fairbanks?

Permitting Official: Hi everyone. Um, I should start with that. It was a very busy month for me. Okay. Uh, probably for everybody else. Um, first, uh, I'll talk about the rental cars and tour companies in the residential general area. Uh, it was brought to my attention that there is a rental car company and a tour shuttle company that's operating from the residential general zone.

I reached out to both companies to inform them that this use is not allowed in the residential general zone and that, um, this use may be granted only with a conditional use permit from the Planning and Zoning commission. If the commission decides that this use is appropriate for the zone. The two companies uh, reach out to are Affordable Car Rentals and Klondike Tours.

The owners of the Affordable Car Rentals Company decide to apply for a condition use permit, and the owners of the Klondike Tous decided that they would not be applying for conditional use permit, but rather find another solution. They informed that they started parking their commercial vehicles in a parking lot they have access to in the industrial Light Zone, and they're going to wash their commercial vehicles at the car wash station on seventh and State Street, which is, uh, business General Zone.

To the condition use permit conditions, I have noticed it in the last, uh, application and in the previous ones as well, that it's not in the application. It says, please explain how the four conditions are met. So in this last application, um, I didn't see how the conditions are met and I just want to point it out. Um, I didn't have time to go back and forth with the applicant because it was just the application was submitted at the deadline day

Um, three, uh, I pointed out two sections of code that might be useful to you. Um, depends their, depends how you are going read them. Um, they might be useful for you for tonight's meeting. Uh, then I want to point out that I have been busy, um, sending letters and going to inspections for temporary habitation of RV and issuing permits.

So far I have issued 12, uh, temporary habitation of RV permits and, um, I'm working on getting more property owners to comply with resolution 22 dash ten R. Um, in the last one month, I've done, uh, five inspections, uh, mostly they are footing inspections and one occupancy inspection. You can see them in my report. Thank you.

Chair Lawson: Thank you so much. That was a great update. Um, commissioners, do you have anything to ask Mrs. Fairbanks? Commissioner Hisman, do you have anything?

Hisman: No.

Chair Lawson: Nope. Okay. Next item is C, Citizen present. Is there anyone that would like to come forward and speak on a non-agenda item? Bruce. Mr. Webber, please come to the mic and state your name.

Bruce Weber: Bruce Weber. Um, I'm representing the Dyea Community Advisory Board. We met last night and discussed, um, the Dyea subdivision. So I'd like to, I know it's not on the agenda and that's why I'd like to go ahead and report now. We have two, um, I don't, concerns is maybe too harsh of a word, but, um, two questions I guess about the subdivision. The first is, Uh, the protection of the entire subdivision from West Creek.

When the West Creek flood happened, um, and inundated a significant portion of northern Dyea. Um, the city responded by building a dike, and the dike, though, didn't go the entire length from the mountain to the West Creek Bridge.

Um, it went partway near the Hosford cabin and partway to the west from the Dyea, uh, from the West Creek Bridge, um, leaving a big section of the creek without a dike. And, um, recently the, the, the creek has started to eat into, um, the bank. Um, there's one section now where um, it's only about 12 feet from the dike road to the dike, I mean to the, uh, creek, uh, to the bank of the creek.

And water is, uh, you can see where three or four trees have gone into the creek and there's a big cotton wood that's at about an angle like this that's about will be the next, um, victim to go in there. So my guess is that we need to look at, to have somebody who knows what they're talking about, um, look at what's needed in that section that doesn't have a dike.

And I would also, um, along the same lines say that maybe you should go the, the area to the east of the, um, of the bridge. Um, that big area is now used recreationally by a lot of people, and I would consider, um, if it made sense, putting the, the dike on the other side of the, uh, of the, uh, west Creek Bridge as well to protect that recreational area.

Um, as you're coming up to the West Creek Bridge, it would be on your right. Um, so that's one area that we discussed. The second area is, um, and I don't know how this would happen. This is up to you guys in, in P and Z, and that is

the, uh, what our worry is, is that the first few people that buy lots out there and start construction may not make it easy, and in fact, may inhibit the ability of other people, subsequent people, to, um, build and meet, um, wastewater requirements and, uh, well requirements.

So I don't know whether you can, um, impose restrictions, but at least look at ways that you can mitigate the possibility that the last person to buy a lot has no place to put their septic tank or a well. And I think that's a, a real re real possibility if the people surrounding them have, um, have used, uh, that distance for their lots.

So those are the two issues that we talked about and thank you.

Chair Lawson: Thank you, Mr. Weber. Any other one? Right. Moving on.

Oh, and I wanna say, um, commissioner **Mabee** joined us at 5:44 PM Welcome.

Okay. And moving on, uh, to item number six, unfinished business. Um, we have none. And moving on to number seven, new business. Um, I don't have any new business, uh, commissioners. Is there anything else that you'd like to add, commissioner Hisman?

Hisman: No, nothing to add.

Chair Lawson: Okay. Alright, moving on to number eight, Resolutions. A, adoption of planning and zoning Resolution number 23-04 approving conditional use permit application number 23-35, Skagway Brewing Company, Nanu, LLC., ATS #4 Ptn 5D in the waterfront zone, Request to operate a restaurant serving alcohol.

Mm-hmm.

No, no, we, no. This is a resolution. Yep. So I would entertain a motion.

Outcalt: I make a motion to adopt planning zoning Resolution number 23-04, approving the conditional use permit. Um, number 23-35. Skagway Brewing Company. Do I need to read the whole thing?

Hisman: Second.

Chair Lawson: Resolution A has been moved by Vice Chair Outcalt and seconded by Commissioner Hisman Clerk. Maybe go to vote, please.

You guys have a discussion of the resolution. Yeah.

Deputy Clerk: Outcalt.

Outcalt: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Hisman.

Hisman: Yes.

Deputy Clerk: Four yeses. Motion passes.

Chair Lawson: Thank you. Moving on to item B, adoption of planning and zoning Resolution number 23-05 approving conditional use permit application number 23-36 Municipality of Skagway Unsubdivided portion of ATS #4 in the waterfront zone, Request to operate a municipal tour broker building/kiosks per contract.

Hisman: I would move. Uh, we adopt, uh, p and z resolution number 23-05, which approves conditional use permit 23-36 for the Municipality of Skagway. To operate a tour broker building/kiosks in the waterfront zone.

Outcalt: Second that.

Chair Lawson: resolution B has been moved by Commissioner Hisman and seconded by vice chair Outcalt.

Moving on to item C. Oh, sorry.

Deputy Clerk: You ready for roll call? Hisman?

Hisman: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Outcalt.

Outcalt: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: Okay. Going on to resolution Number C or letter C, adoption of planning and zoning Resolution number 23-06 approving conditional use permit application number 23-37 Henry Burnham Block 71 Lot 1 in the residential general zone. Request for residential triplex.

Mabee: I'll make a motion to approve um, conditional use permit number 23-37 by the proposed resolution for Henry Burnham, Lot 71. Um, residential zone Request for residential triplex.

Hisman: Second.

Chair Lawson: Resolution C has been moved by Commissioner Mabee and seconded by Commissioner Hisman. May we go to a vote please?

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: Okay Mo. Moving on to number nine. Public hearings, A public hearing and consideration of conditional use permit application number 23-42, Paul Niles Davis and Earl H Stovall Jr. Lot 5 Block 29 in the residential general zone request to operate commercial rental car business in the residential general zone, parking and washing rental vehicles.

The reason for here, okay, and the request is to operate the commercial vehicle in the commercial use in the residential general zoning district.

And we will now open the public hearing at this time. We invite the applicant to introduce their application following the inter introduction by the applicant. We will allow for testimony from the general public and then we will then invite the applicant back to represent their application. You guys want to come up?

What was that? Um, oh no. Uh, please come up and state your name to the mic.

Skipper Stovall: Skipper Stovall.

Nils Davis: Nils Davis.

Outcalt: He's got your chair.

Nils Davis: So we received a letter from you guys from the city saying that we needed to file a conditional use permit for parking our cars on the lot behind our house. We own the duplex across the street from our house. That's where we parked the cars, and I'm not sure, we've been doing it for five years, so I'm not sure why today we need to do that. So we're here to find out what we need to do and, and move forward, okay?

Chair Lawson: And then, uh, clerk, uh, did you receive any request from the public to testify about this application?

Deputy Clerk: No request to testify here tonight, but we did receive one letter from a neighboring property, and that is, uh, in your packet.

Chair Lawson: Okay? Thank you. Okay. And then Mrs. Fairbanks, would you like to say anything about this application?

Permitting Official: Yeah, it was pointed out to me that basically businesses are being run from a residential general in particular, um, with rental vehicles or tour vehicles, and that I need to take an action and I send a letter that this is not a permitted uses in residential general zone and that they need to apply for conditional use permits. And it's up to you guys to decide if this is an appropriate use for residential general or not.

Nils Davis: And we're not actually operating the business from our home. Like we don't, the customer doesn't come to our house to pick up a car. We're just like washing the car and parking the car. There's no, no, like, we're not doing any business from our home. So I don't know if that is a condition or whatever to let you guys know that as well.

Chair Lawson: Thank you. Okay.

Hisman: Where do you operate the business from?

Nils Davis: Out of our coffee shop. They pick it up there and most of the people, um, we bought the permit so we could park 'em at the dock for them. So most people just take advantage of having the car parked at the dock for them. So the new permits we got from City Hall recently, we have the permits to park the cars down by the waterfront and the cars are behind the duplex, so they're not even visible from the road.

Skipper Stovall: I mean, you can't alley side. The duplex and the open, the open lot is behind the duplex, which opens onto the alley side. And so it's really, I didn't know anybody was offended putting ourself over there. We've been doing this for five years now.

It's just kinda, I mean, we made a hundred thousand dollars investment in a couple of new vehicles to bring 'em in for this year,

Mabee: Madam Chair?

Chair Lawson: yes.

Mabee: Yeah. Um, I just wanted to speak up. I'm pretty new to p and z, but something I've noticed that we've been doing is that we, there's been a lot of things that are, um, happening that aren't permitted by our code. And so having

these conditional use permits and having, um, Mrs. Fairbanks send out those letters and things, like, that's really common and it, you know, the code is in place to avoid, you know, we couldn't accommodate um, every single housing unit on the block to park cars that way. So how do you, how do you look at that? So when these conditional use permits, and I've only been on here for a few months, and I would say pretty common that, um, one of the things that we're addressing just in Skagway as a whole is making sure everything's compliant.

So I don't necessarily see like the issue with that, but it is, um, we're bringing everything in to make sure that, um, you know, treating, treating everybody equally, essentially. Yeah.

Nils Davis: Yep. And we've always had to do like whatever we need to do. So whatever you guys need us to do, we're totally open to do whatever.

Skipper Stovall: Within in it's an, a adjoining property. The person that is made the complaint as an adjoining property?

Chair Lawson: Yes. Can we, this is, um, I'm gonna Oh, Mrs. Yep. Mrs. Carr?

Deputy Clerk: It's online planning meeting for tonight.

Skipper Stovall: We can get that letter there? Thanks.

Permitting Official: And why it was brought to my attention, it's actually, um, just because it's, it's more and more like happening more often. So it's like now coming to the attention of the Municipality of Skagway and it's something that the, the municipality we have to start addressing basically.

Skipper Stovall: So you can work together here and figure something out.

Permitting Official: Yeah, because, uh, residential general is for residential purposes and that's why I had to just address it.

Skipper Stovall: Sure. Of course, if it was somebody that lived there. But I mean, we kind of know everybody right there, so it's...

Chair Lawson: We have to remember, we are just talking about the land. We removed the faces. This is it's residential general.

Nils Davis: Yeah. Yeah, for sure.

Chair Lawson: That's, that's my,

Skipper Stovall: that's why we're here. Yeah.

Chair Lawson: Commissioners, would you like to add anything else to this?

Hisman: Well, I think it's unfortunate that you're caught up in this, but residential general, uh, and, and a, a business, commercial business of any type is, uh, not permitted. It's not an accessory use and it's not a conditional use. And unfortunately, if we, if we grant this, we may as well toss out all of our zoning regulations because then, then there'll be nothing that will be prohibited or denied in in, uh, in any zones because I wouldn't be able to, in good conscience say, be able to say no to somebody else if we said yes to this.

Chair Lawson: Commissioner Outcalt do you have anything?

Outcalt: I do. We face a real dilemma in this town, I think, because this is it. There's a mountain there and there's a mountain there, and, and this is all the space we have.

Um, I, in my mind, it might be something that we adjust at some point or at least have a work session on it and discuss it. There's only so much room to, to have a business. If you are over on State Street, you're fine. There's, there's, there are some businesses up and down State Street, um, Natalie cuts hair, you know, out of her house or she has, um, those types of things.

But if we were to change the ruling, I could see that and I could maybe see some merit in changing the ruling as, or certain types of situations. But the way the law is written right now, we have to abide by the law.

Nils Davis: So my question is, what about the people? Like how does everyone else park their vehicles that they own and their yards? Like I've seen like all a lot of tour companies, they have their buses parked in their, in their yards or other people have, I mean, I know they're not running their business from there, but they do park their vehicles on their private park, their vehicles on there.

Skipper Stovall: Yeah. They do. So we can park 'em on the street?

Chair Lawson: Mrs. Fairbanks?

Permitting Official: There is, uh, zoning regulations and uh, let's say in industrialized light zone, industrial zone business, general zone, like these are all zones that are allowed, um, for businesses to operate from. Uh, we recently had a actually, um, issue with, uh, another company that was parking their vehicles on the street and that was addressed and they had to lease a property in business general to be able to park their vehicles there.

Um, it's just residential general is per our code as of today, um, is for residential purposes. And like if you guys were in business general, we weren't gonna be here if you guys had property in industrial light, let's say, or industrial zone fine.

Skipper Stovall: what about sixth Street?

Permitting Official: which, which is sixth Street?

Nils Davis: where our business is. What if we just park on the street where our business is?

Chair Lawson: Well, Do you have a parking lot where your business is where you can start store the vehicles in the correct zone? Yeah. Cannot not be on the Municipal streets.

Outcalt: They don't.

Nils Davis: So what do you, I mean, I'm just asking like, so from here, what are the, like, so we can't park our cars on our own personal lot. What, what do suggest that we do?

Chair Lawson: Like then you have to acquire a space where you can store your vehicles and conduct your commercial business in the correct zone. Just unfortunately right now you're in the wrong zone

Nils Davis: and there's no way to get a, a variance for that? There's no way?

Chair Lawson: Unfortunately, the way the, our code is written, um, in 19..

Nils Davis: so we have sell our cars and cancel our reservation, close our business, then we have to send a letter to everyone that we have reservation. Say the city is like not allowing us to park the car, so therefore we have to close our business. Is that where we're going? I mean that's what our options are.

Chair Lawson: We are just here to, um, address the zoning.

Nils Davis: I understand. Yeah, I understand. I appreciate that. I mean, I just feel like there has to be some something that we can...

Chair Lawson: There, there could be an appeal process.

Nils Davis: Okay. How do we find out about that?

Chair Lawson: Um, Assemblymember Hanson?

Assemblymember Hanson: Yes. The appeal process is you have 10 days from the action, um, to appeal, and the first step would be to the assembly, and then you can appeal from there to the courts.

Nils Davis: Okay.

Assemblymember Hanson: Um, so there is an appeal process and you don't, you could actually appeal from the second court and keep appealing.

Nils Davis: Okay.

Assemblymember Hanson: Um, so there's, there's certainly an appeal process. Um, I was just gonna say, you know, in, in reviewing the conditional uses there, it doesn't list everything, you know, I mean, and I think it's, I it's impractical that you could list every kind of business possible that could be a conditional use. You know, it's listing service stations as conditional use, a restaurant and bar, marijuana cultivation.

I mean, there's a lot of things that are listed, but list every kind of business in the United States that could be a conditional use that's not realistic of the things that could be conditional uses. So, um, you know, I think there, there's the letter of the law and then there's what a conditional use is.

And it's, it's to find things that don't fit the definition. And that's really the, the, the determination that planning and zoning holds.

Nils Davis: And then I have one last question too. Our conditional use permits public record. Like, so if you, if we did get one, then someone could look and say they do have that permit, so that's Okay. So,

Chair Lawson: Mrs. Faibanks?

Permitting Official: So once a conditional use permit is either, uh, approved or denied, uh, on the next meeting, uh, the commission, the planning and zoning commission, uh, votes on approving a resolution regarding the conditional use permit like they did earlier. And then that resolution gets, uh, recorded with the state, so you can find it on the DNR website.

Nils Davis: Okay. Awesome. Thank you.

Skipper Stovall: And is, is this something we can step through with you guys or do we need legal representation on this? I'm just asking this question personally.

Chair Lawson: I mean, right now we're following what is in the municipal code, so I think it goes a little bit deeper. I know there's conditional uses, but if we approve this application, I just, there's going to be a lot more and we have to play fair and per code...

Skipper Stovall: No, no, no, no. I'm just asking can we individually work with y'all through this or do we need to have someone to work for us through this, like the legal representations?

Chair Lawson: To change our municipal code into the correct zoning so you, you can run your rental car business?

Skipper Stovall: Some kind of working, solving a problem here.

Chair Lawson: Yes, we could, but I want to stay firm with our, um, with our residential general zone, because then we're going to have a lot more. Um,

Skipper Stovall: and how long do we have to find a place to put these?

Chair Lawson: I'm not sure. Assemblymember Hanson?

Assemblymember Hanson: My understanding that while an appeal is going, there's no action taken. And, and I, I'm, I. That's my understanding. If there isn't an active appeal, the action hasn't happened yet. I, I, I'm, I'm speaking a little bit, you know, outside of my, like, if, if that's legally not actually correct, then, then you can point your finger at me and say I'm wrong.

But I believe if there's an appeal happening, the action hasn't occurred, which would be a denial. I mean, if, if P and Z denies something, you appeal to the assembly, I think, I think you, uh, probably have staying powered to act until there's a further determination. But I'm not a lawyer.

Nils Davis: Thank you guys very much.

Outcalt: I understand that. It's my understanding that you're parking your cars on that extra lot, correct?

Nils Davis: Yes.

Outcalt: If you drive around town, you're gonna see people with buses and stuff parked on their private, on their, in residential general all over town..

Nils Davis: already do that

Outcalt: vans and et cetera, et cetera, you know, um,

Chair Lawson: and Mrs. Fairbanks stated that she is aware of that.

Outcalt: Yeah. So that's just something to keep mind of. So it's happening all over town, so I, you know...

Skipper Stovall: I'm, this is, oh it doesn't matter. It's okay, thank you.

Nils Davis: Thank you guys.

Chair Lawson: Great. Thank you. The public hearing is now closed.

Outcalt: Okay. It's just a hearing, so we're not making a motion or anything on a hearing?

Chair Lawson: Um, then I would entertain a motion,

Hisman: Do we? Do we need a motion? That was simply a public hearing.

Outcalt: There's nothing finalized, right? So do we make a motion on a hearing?

Mabee: I'll make a motion to deny conditional use permit number 23-42.

Outcalt: No, no, no.

Chair Lawson: Yeah,

Mabee: you have to approve and then vote it down? Oh, okay. You can? I mean, my instructions say approve or deny on here. So...

Chair Lawson: yep.

Hisman: So your motion is to deny?

Outcalt: Can we make a motion to deny? Cause that's not what this is

Chair Lawson: your script...

Outcalt: Okay.

Mabee: After public hearing the instructions here say, after public hearing has been closed, the chair would entertain a Motion. Recommendations, motion to approve or deny application. Main motion. I make a motion to approve or deny conditional use permit. So that was the instructions from y'all, thanks.

Hisman: Well, I'll second it.

Chair Lawson: Okay. Yep. The public hearing a, um, motion has been, um, denied by Commissioner Mabee and seconded by, uh, commissioner Hisman. May get a vote please?

Deputy Clerk: You will want to still go through your standards and make the amendments Okay. And state your reasons why those standards are or are not met.

Chair Lawson: Okay. Then we'll go through this, then we'll vote correct.

Okay. Gotcha. Alright. So the commission now must find that all four of the conditions exist in order to grant a conditional use permit. So we consider them one by one A. The req, the requested conditional use will protect the public health, safety, and welfare.

So my response is, um, this conditional use permit application request does not fall under this, uh, to protect the public health, safety and welfare, um, in the

residential general zone under municipal code 19.06.30. Therefore, we cannot con, we cannot support this conditional use permit application.

Okay.

And then amendments.

Mabee: Um, I make a motion to amend the main motion to indicate that the conditional use application will not protect public health, safety, and welfare of the public because, um, commercial use in residential general is not permitted.

Outcalt: Second, that motion.

Chair Lawson: Okay. And then do we vote after each one?

Deputy Clerk: Yeah, you can have some discussion if, if you'd like. And then just ask for a roll call when you're ready.

Chair Lawson: Okay. Okay. So commissioners, do you have anything that you would like to discuss on this? Um, item A?

Outcalt: No.

Chair Lawson: No?

Can we get a roll call please?

Deputy Clerk: Lawson?

Chair Lawson: So this would be motion to deny, right? Yep. So yes, I support the deny.

Deputy Clerk: Right now you're voting that to amend the main motion to include that the conditional use will not protect the public health, safety, and welfare because it is a commercial use in residential zone.

Chair Lawson: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Hisman?

Hisman: yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: Wait, are we ready? Okay, so, um, okay, next is item B. The requested conditional use will not permanently or substantially injure the lawful use of the neighboring properties or uses. Um, this commercial use request, um, is prohibited in the residential general zone, so we'll not support this.

Mabee: I make a motion we amend the main motion to include the findings of the fact the requested conditional use will permanently or substantially injure the lawful use of neighboring properties, um, because of the addition of multiple vehicles into a residential neighborhood for commercial use.

Hisman: Second.

Chair Lawson: Discussion?

Can we get a roll call then?

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: The requested, um, item C. The requested conditional use will generally be in harmony with the comprehensive plan, coastal Management Plan, and other officially adopted plans. Um, this commercial use request in a residential general zone is prohibited, so I will not support it.

Hisman: I make a motion we amend the main motion to include the finding that the, uh, request of conditional use will not generally be in harmony with the, um, comprehensive, are we on? Yeah. Comprehensive plan, coastal management plan, and other officially adopted plans.

Outcalt: Yeah, we need to list reasons?

Hisman: again, because it's, uh, the zoning is wrong. It's, uh, commercial operation in a residential general zone.

Mabee: Second.

Chair Lawson: Any discussion?

May we get a roll call please?

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: Okay, moving on to D. The requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

Um, this is commercial use in a residential general zone. Um, I do not support it.

Outcalt: I make a motion that the requested conditional use will substantially decrease the value. Or be out of harmony with property in the neighboring areas because it's not zoned for commercial use.

Hisman: Second.

Chair Lawson: and can we get a roll call please?

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: And then do we have to vote on?

Deputy Clerk: Yep. Now you'll go back to your main motion. We've now amended it four times. Okay. And we can, you can further discuss or ask for a roll call.

Mabee: I'll make a motion.

Deputy Clerk: Oh, you have one on the table, Mm-hmm. If you're ready, I can do...

Mabee: um, if there was discussion too. I guess I just had one, um, question. Thoughts were going through my head. I was remembering, um, obviously due to P and Z, but I was thinking of like how like industrial zone, like on um, Alaska Street that allowed for, um, allows for some of those things.

And so what I was going in my head around town about, you know, a quantity of vehicles, I guess I wanna say, versus like one in a residential area. I don't, I can't really identify, um, that in my head of like, you know, without having gone out and looked around the town. But I would be curious as to, um, how many other locations in residential general are being used to facilitate, um, Commercial business in that's in that capacity, because the ones I'm seeing in my head are actually either business, um, zones or the industrial zones.

I'm not seeing as much in the residential neighborhoods as I think maybe it was kind of, um, uh, could be assumed by listening to the recording of this meeting. So I just wanted put that out there.

Chair Lawson: Thank you, commissioner Mabee.

Hey, so now we do a roll call?

Deputy Clerk: Hisman?

Hisman: to deny, correct?

Deputy Clerk: Correct. This is to deny with all of your amendments.

Hisman: I'm sort of with Rocky on this. Uh, I'm, I'm going to vote yes, but uh, it probably should have been to approve and then been defeated, but...

Deputy Clerk: I will make sure to discuss that with the clerk.

Hisman: Okay. To deny, uh, yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Four yeses, motion passes.

Chair Lawson: Okay. Alright. Um, moving on. So we're all done with the Okay. Public hearing is closed. Okay. Moving on to item number 10, discussion items. Um, I do not have anything to add at this time. Commissioners?

Hisman: nothing from me.

Chair Lawson: Okay.

Mabee: Apologies for being late. Okay. I appreciate the calls there. Thank you.

Chair Lawson: Yeah, no worries.

Assemblymember Hanson?

Assemblymember Hanson: Thank you Chair. Um, I do have one, uh, follow up response to, uh, chairman Weber's concerns about the, the subdivision. Uh, the municipality does have a scope, uh, an engineering for levy work, and that was just completed in December of 2022, so not very long ago. I, I find that to be pretty high importance.

Um, I've seen exactly where he is talking about, about the West Creek cutting into the road. Um, and that's the existing road. That's not the new platted road. Uh, it's, uh, the river has in these, you know, flooding conditions has definitely taken away quite a bit of, of, of space, of surface there. Um, and, uh, I think it's something that, you know, as a government we need to address, uh, you know, whether the subdivision happens now later, et cetera.

I think, um, you know, protecting the residents that are out there and, and particularly the way that some of those people come to and from town, I mean, that's, that's how they, how they travel. It's pretty important. Um, his second, uh,

comment about the first come, first serve access ability about well and septic, uh, development.

I do not agree with that because I think that's why it's two acres. Um, with two acres with a hundred foot separation from well and septic. I think every single one of those people has that ability. Now, whether they put their, well, you know, within the setback and that may cramp somebody else's, you know, options of exactly where they want to put their well or their septic.

That's, that, that it, it may, you know, manipulate how, as he said, the last person to, to develop, uh, develops their property. But I don't think it prohibits it. It's flat property. It's not like building up on the hillside where you may only have one way to do it. Um, It's flat ground. So I, I, I don't really agree with that.

It's been talked about extensively here and the Dyea board and city hall and with the engineers. I think that's why we went with the two ac, two acre designation. So I take that with the grain of salt because I've been to those committee meetings and I don't actually think that that's an actual problem. Um, and I think we just talked about it pretty thoroughly.

Um, uh, I'd like to commend a Permitting official, uh, for, you know, 12 temporary RV permits. I imagine there's probably some more in the works. Um, and certificate of occupancy for Woadies. Uh, that's been several years that project's been going on. He's open today, and I think that's a, you know, it's, that's a brick and mortar establishment from what was a, basically a food cart with a deck.

That had operated that way for years. And I know a lot of other restaurants weren't happy that kind of cutting corners in that way with that much seating capacity. And Mr. Rush has made that investment and um, I think that's cool. And, uh, he's gone through all the right processes, all the right steps, and put a lot of money into it.

Um, and taken, you know, through the pandemic, built that. So I think that's a, a, a good example of somebody who really is investing in our community and wants to be here and be here in the right way and converted Rosie's old kitchen that, you know, was. You know, kind of a temporary structure, and he's made that a permanent kitchen, um, with permanent bathrooms.

Um, so, uh, I think that's great. You know, with, with, as Mr. Outcalt probably can attest, uh, the proper, uh, fire suppression with the hood vent. Those are, those are significant, uh, monetary investments to do a kitchen the right way. So

those are a couple things just from the permitting officials, uh, report that, you know, stuck out to me as, as a, you know, community member who's watched that building go up.

And, um, I, I applaud that for, you know, being not a temporary, um, move that's, that's very permanent, uh, in terms of his investment and I, I wish him well on that, that endeavor. Um, the last thing I'll say is that that's a hard vote you just made. Um, I think we can all see the potential for Pandora's Box coming forward, um, and a lot of other very upset, uh, Property owners, um, yet you enforce the letter of law, which is what you're supposed to do.

So thank you.

Hisman: I've reconsidered. I also would like to commend permitting official Fairbanks for, uh, um, digging into some of these nonconforming uses and bringing them to our attention because I, uh, I really believe passionately that if we don't enforce the zoning regulations, you may as well throw 'em away.

So thank you.

Chair Lawson: Thank you.

Anyone else like to add anything to discussion?

Okay. Next. Moving on to number 11. Adjournment.

Outcalt: I make a motion to adjourn.

Hisman: Second

Deputy Clerk: Hisman?

Hisman: Yes.

Deputy Clerk: Lawson?

Chair Lawson: Yes.

Deputy Clerk: Outcalt?

Outcalt: Yes.

Deputy Clerk: Mabee?

Mabee: Yes.

Deputy Clerk: Four yeses. Motion passes.