



MUNICIPALITY OF SKAGWAY, ALASKA  
PLANNING & ZONING COMMISSION MINUTES

December 14, 2023  
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1. Call to Order:

Chair Brena called the meeting to order at 5:30 p.m.

2. Roll Call:

**Present:** Commissioners: Jacy Kern, David Brena, Laura Mabee

Assembly Liaison: Orion Hanson

**Absent:** Commissioners: Gary Hisman, Rocky Outcalt

3. Approval of Minutes:

A. November 9, 2023

**Motion/Second: Kern/Mabee** to approve the minutes for November 9, 2023.

The Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

4. Approval of Agenda:

**Motion/Second: Kern/Mabee** to approve the agenda.

The Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

5. Communications:

A. Correspondence

Deputy Clerk Carr indicated that one piece of correspondence was added to the packet.

B. Permitting Official Report

Permitting Official Fairbanks indicated that she conducted the following inspections:

- November 20, 2023- a roughing inspection of a garage on Block 122, Lot 5.
- December 11, 2023- a final inspection for the Alaska Coach Tours facility on Lot D, Dave and Pam Hunz subdivision.

C. Hear Citizens Present

6. Unfinished Business:

7. New Business:

A. Approval of 2024 Planning & Zoning Commission Schedule

**Motion/Second: Kern/Mabee** to approve the 2024 Planning & Zoning Commission Meeting Schedule.

**The Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

B. Schedule Housing Work Session

**Chair Brena** indicated that he placed this on the agenda to determine commissioners' availability to have a discussion regarding housing. He would like each commissioner to bring three ideas to the table.

**Commissioner Mabee** indicated that she would be available most evenings.

**Commissioner Kern** indicated that early to mid-January would work best for her.

**Chair Brena** indicated that he would leave it to the Clerk's office to determine the scheduling.

8. Resolutions:

9. Public Hearings:

- A. Conditional Use Permit Application #23-69, Paul Munson/Early Bird Café, Request to use the Fellowship Hall to serve as a pop-up breakfast café, Block 9, Lot 2 in the Residential-General Zone

1. Public Hearing

**Chair Brena** opened the Public Hearing and invited the applicant to introduce their application.

**Applicant Paul Munson** introduced his application to operate a pop-up breakfast café at the Presbyterian church as a service to the community which is lacking early morning breakfast businesses.

**Deputy Clerk Carr** indicated that there was no correspondence received for this application.

**Permitting Official Fairbanks** indicated that she informed the applicant that they would need a conditional use permit to comply with code and they applied the next day.

**Chair Brena** closed the public hearing.

2. Consideration

**Commissioner Kern** indicated that there is a small mistake on the application where it indicates that it is not within the coastal management program area.

**Main Motion/Second: Kern/Mabee** to approve application permit 23-69 by proposed resolution.

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Brena/Kern** to amend conditional use permit 23-69 to include the hours of operation as 6:00 a.m. to 9:00 a.m., to define the off season as the day after the last cruise ship departs until the day before the first cruise ship arrives in the spring, and that five off-street parking spaces be provided by the applicant.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Assemblymember Hanson** indicated that he would suggest changing the off-season definitions of the first and last cruise ship day to actual dates in April and October because the cruise ship calendar changes year to year.

**Chair Brena** indicated that his intention was to keep the schedule variable in the changing of the cruise ship calendar.

**The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.**

- B. Conditional Use Permit Application #23-70 BoomTown Buds, LLC., Request to Operate a Retail Marijuana Store, Block 25, Lot 11 in the Business-Skagway Historical Zone
  1. Public Hearing

**Chair Brena** invited the applicant to introduce the application.

**Applicant Dylan Healy** indicated that he is the co-owner of BoomTown Buds with Mike Healy. They will be opening a year-round marijuana dispensary in the old Starfire location.

**Deputy Clerk Carr** indicated that there was one request to testify; however, that person also sent a letter and declined to testify in person.

**Chair Brena** indicated that he did investigate some of the concerns expressed in the letter regarding the proximity of a youth center in the form of the Park Service's Junior Ranger program. He found that the Park Service stated that the Junior Ranger program was closed in 2022 and 2023.

**Chair Brena** closed the public hearing.

## 2. Consideration

**Main Motion/Second: Mabee/Kern** to approve application 23-70 for BoomTown Buds, LLC. by proposed resolution.

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Kern/Mabee** to amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Chair Brena** indicated that he researched the concern regarding the existence of a liquor license for the same property and found that not to be the case.

**Permitting Official Fairbanks** indicated that the Assembly would be reviewing the marijuana application at some point.

**The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.**

- C. Conditional Use Permit Application #23-72 Jonathan Hillis, Request to convert garage to a studio apartment, Block 105, Lot 7 in the Residential Zone

- 1. Public Hearing

**Chair Brena** invited the applicant to introduce the application.

**Applicant Jonathan Hillis** indicated that he has a garage that is mostly unused, and he wants to section off a roughly 500 square foot area and turn it into a studio apartment for an occupant year-round. Exterior changes include replacing the garage door with a wall and adding two windows and a door on the backside of the building.

**Chair Brena** closed the public hearing.

**Permitting Official Fairbanks** indicated what the setback requirements are. There was a variance granted for this building for a garage with a one-foot setback from 17th Avenue and three-foot setback on the east side.

**Chair Brena** indicated that the variance was granted for a garage and would not apply to an accessory housing structure. The way code is written now, it does not satisfy setback requirements as an accessory housing structure. Setback requirements are established for safety and municipal accessibility reasons.

- 2. Consideration

**Main Motion/Second: Mabee/Kern** to approve application 23-72 by proposed resolution.

**Secondary Motion/Second: Mabee/Kern** to amend the main motion to include the finding of fact that the requested conditional use will protect the public health, safety, and welfare with the additional condition that setback requirements be met.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Mabee/Kern** to amend the main motion to include the finding of fact that the requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses.

**The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.**

**Secondary Motion/Second: Mabee/Kern** to amend the main motion to include the finding of fact that the requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans.

The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

**Secondary Motion/Second: Mabee/Kern** to amend the main motion to include the finding of fact that the requested conditional use will not substantially decrease the value or be out of harmony with property in the neighboring area.

The Secondary Motion passed by roll call vote, 3 yes, 0 no, 2 absent.

The Main Motion passed as amended by roll call vote, 3 yes, 0 no, 2 absent.

10. Commission Discussion:

11. Adjournment:

Motion/Second: Kern/Mabee to adjourn at 6:17 p.m.

Motion passed with no objection.

  
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David Brena, Chair

ATTEST:

  
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Kathy Carr, Deputy Borough Clerk  
(SEAL)

