

**HAINES BOROUGH PLANNING COMMISSION
REGULAR MEETING MINUTES
February 19, 2009**

APPROVED

1. **CALL TO ORDER:** at 6:35 p.m. by Chairman Lee Heinmiller
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL:** Planning Commission members present: Chairman Lee **Heinmiller** Vice Chairman Rob **Goldberg**, Don **Turner III**, Dawne **Thomsen**, Andy **Hedden**, Assembly Liaison Pete **Lapham**
Planning Commission members absent: Harriet **Brouillette**, and Greg **Brask**
Haines Borough Staff Present: Haines Borough Planning and Zoning Technician Steve **Ritzinger**, Haines Borough Deputy Clerk Jamie **Heinz**
Visitors Present: Lucy Harrell, Duck Hess, Karen Hess, Vince Hansen (HAL), Anna Jurgeleit, Tom Morphet (Chilkat Valley News)
M/S Hedden/Goldberg to excuse the absence of Greg Brask and Harriet Brouillette. The motion passed unanimously 5 to 0.
4. **APPROVAL OF AGENDA:**
M/S Goldberg/Turner to approve the agenda. The motion passed unanimously 5 to 0.
5. **APPROVAL OF MINUTES:** January 8, 2008 Regular
M/S Goldberg/Thomsen to approve the January 8, 2009 minutes.
6. **PUBLIC COMMENTS:** There were no public comments at this time.
7. **CHAIRMAN'S REPORT:** Chairman **Heinmiller** spoke briefly mentioning that Representative Bill Thomas attended the downtown planning meeting and expressed his disappointment that no Planning Commission members attended. Heinmiller anticipated that there would be future downtown planning meetings for the next six months and plenty of opportunities for the Planning Commission to participate.
8. **PUBLIC HEARINGS:**
 - A. **Vacation and Purchase:** *Jim Jurgeleit has requested for the Planning Commission recommend to the Assembly for the borough to vacate and sell an undeveloped alley located between his properties on 6th Avenue and Union Street. (C-TNS-18-0200 & 0700)*
P&Z Tech **Ritzinger** presented the Jurgeleits request to the Planning Commission. The Jurgeleits wish to purchase an undeveloped alley on their Union Street and 6th Avenue property. They own eight lots, each of which is under the 10,000 square foot minimum lot size, which they intend to consolidate into one or two lots. The alley if developed is in close proximity to a surveyed historical house owned by Helen Roberts, which could be problematic. Included in the packet is a satellite photo showing the subject properties, the historical structure, and adjacent properties which are owned by the Jurgeleits, Clint Acquistapace and Lynden Transport that are in line with the undeveloped alley. The Planning Commission is being asked to consider future need for the alley and the benefits of consolidating noncompliant undersized lots.

M/S Goldberg/Thomsen to recommend to the Assembly to sell the undeveloped alley to the Jim and Anna Jurgeleit. A brief discussion ensued. Heinmiller and Goldberg both expressed their support of the plan including the consolidation the undersized lots in light of the volume of setback variance requests that the Planning Commission considers in the vicinity of the subject properties. **The motion carried unanimously 5 to 0.**

B. Haines Assisted Living Variance Requests:

1. Setback Variance Request: *Haines Assisted Living is requesting for the Planning Commission to pass a variance allowing an entryway to be built 5 feet 7 inches into the Union Street setback.*

Haines Assisted Living Administrator Vince Hansen addressed the Planning Commission. He disputed the Manager's recommendation. He said that care needed for seniors is a unique situation. The assisted living facility needs a safe dry covered area for seniors to be picked up and dropped off. There would be 14 feet of space for vehicle maneuvering between the proposed entryway and the right-of-way, and that it would not affect any potential future expansion of Union Street as a four lane commercial rout. **Goldberg** speculated that most of the parking needs would be for employees and visitors. The primary parking needs would be for shuttle vehicles for seniors. **Turner** questioned why HAL did not pursue a variance when it initially applied for the permit, and pointed out that the concrete forms for the entryway had already been poured. **Hansen** mentioned that the building location was shifted 8 feet away from Union Street, and that he thought at the time that the extra space was going to suffice. **Thomsen** asked if the proposed covered entryway was large enough to shelter an ambulance, and pointed out that it would be best to build the entrance to meet that need. **Hansen** responded that the covered entryway is not designed to shelter vehicles, and that HAL has neither budgeted for an entrance of that size, nor would it be aesthetically desirable. **Turner** said that if the parking plan is denied that there would be ample room for an ambulance to maneuver and pull partially under the covered area to shelter a stretcher and vehicle door. **M/S Turner/Goldberg** to approve the variance request allowing a covered entrance to be built 5 feet 7 inches into the Union Street setback. The motion passed unanimously 5 to 0.

2. Parking Variance request: *HAL is requesting for the Planning Commission to approve a variance allowing the undeveloped right-of-way to be used as turning and maneuvering space.*

Lucy **Harrell** spoke on behalf of HAL regarding the parking variance request. She said that it would be nice to allow the parking on the Union Street side of the building, and that if the plan needed to be altered in the future to accommodate a Union Street expansion, that it could be. **Goldberg** suggested that HAL shouldn't count on using the right-of-way space, that it could in the future be used for a side walk, snow removal and possibly a driving lane. A designated one-way lane entering and exiting the property similar to the post office, but with parallel parking would be a better plan. **Turner** stated that it is not acceptable for cars to back into the right-of-way, and that he is not in favor of granting the variance. **Thomsen** said that there are

too many unknown factors to pass the variance at this time. **Heinmiller** added that he does not want to see possible future problems created by allowing cars to back into the right-of-way. **M/S Turner/Thomsen** to deny the parking variance. The motion passed unanimously 5 to 0.

C. Appeal: *Duck and Karen Hess are appealing the decision of Borough Manager Tom Bolen not to allow a lot line adjustment to be approved by the borough.*

P&Z Tech **Ritzinger** presented the Hess's appeal to the Planning Commission. The Hess's wish to record a lot line adjustment because an existing building that they own is located on the current property line. Since the total area of the two lots is 17,253 square feet, and together they are surrounded by right-of-way, at least one of the two subject lots would be under the Haines Borough code required 10,000 square foot minimum lot size. Ritzinger and Haines Borough Manager Tom Bolen searched through Haines Borough code attempting to find a process to resolve the issue, but no such language exists for this scenario in the current code and therefore the borough cannot record the plat without Planning Commission participation. Karen **Hess** mentioned that there is an easement on the portion of the adjacent property where the part of the building over the property line exists, but that a sale was upheld by a bank because of the unresolved situation. The neighboring property owner agreed to sell the portion of land where the building is located to the Hess's. After a brief discussion the Planning Commission agreed that adjusting the lot line to include the entire building on the Hess's property would be the best situation for all parties.

M/S Goldberg/Hedden for the borough to record a lot line adjustment that moves the lot line to the edge of the Hess's building, which shall result in the entire building being located on the Hess's property. The motion passed unanimously 5 to 0.

D. Conditional Use Permit: *Sue Waterhouse is requesting for the Planning Commission to approve a conditional use permit to operate a bed and breakfast on her Cathedral View Subdivision property.* P&T Tech **Ritzinger** presented the conditional use permit application for the Planning Commission. The operation would be low impact for the neighborhood, and that Haines Borough Manager recommended for the Planning Commission to approve the permit so long as safe access and adequate off street parking are provided. Safe access is the responsibility of the property owner once leaving a borough ROW. After a brief discussion the Planning Commission approved the conditional use permit.

M/S Goldberg/Turner to approve the conditional use permit. The motion passed unanimously 5 to 0.

9. STAFF REPORT: P&Z Tech Ritzinger presented the staff report as included in the packet with the following additions: For the Letnikof boarding float project a tideland ownership issue is being worked out. Jamie Heinz was introduced as the new Haines Borough Deputy Clerk. Ms. Heinz will assist the Planning Commission by taking the minutes and serving as parliamentarian.

- 10. COMMUNICATION**
- 11. OLD BUSINESS:**
- 12. NEW BUSINESS:**

A. Noncompliant Residential Structures in Industrial Light Commercial north of Sawmill Road: Upon reviewing the map included in the packet it was determined that no zoning changes would easily accommodate the four noncompliant residential structures in the industrial light commercial zoning district north of the Haines Highway.

B. Election of Planning Commission Officers: The current chair and vice chair were nominated to retain their positions. No other nominations were made.

M/S Turner/Goldberg for Heinmiller to retain the Planning Commission Chair. **Thomsen** amended the motion to include Goldberg retaining the PC Vice Chair. The motion passed unanimously 5 to 0.

13. COMPREHENSIVE PLAN REVIEW: **Heinmiller** mentioned that the Land Use chapter in the Comprehensive Plan would be reviewed at the meeting on February 26.

14. TITLE 18 REVISION:

A. Subdivision Regulations *(18.100.010 - 18.100.040 & Definitions)*

B. Filing of Final Plat *(18.100.112)*

P&Z Tech **Ritzinger** presented the proposed changes to Haines Borough Code 18.100.010 - 040 & 112 as updated by Ritzinger with assistance from Borough Lands Manager John **Wurst** and Borough Manager Tom **Bolen**. **M/S Goldberg/Turner** to recommend to the Borough Assembly to approve the proposed Haines Borough Code changes as presented for 18.100.010 - 18.100.040 & 18.100.112. The motion passed unanimously 5 to 0.

C. Variance Criteria for Nonconforming Townsite Lots *(18.80.050)*

The PC reviewed and discussed the map included in the packet. The high density of lots under the code required 10,000 square foot minimum size includes the Historic Townsite, Lynnview and Young Subdivisions. The Commission discussed decreasing the 10 foot adjacent property setback to 7.5 feet or requiring fireproof materials and to allow smaller setbacks. It was decided to look at variances case by case.

15. COMMISSION COMMENTS: **Turner** questioned whether the borough had acted on the Planning Commission's recommendation to purchase snow storage lots on 4th Ave. **Goldberg** added that the borough had apparently not acted on the PC's recommendation for creating signage to direct cruise ship tourists around the harbor area including up the stairs to Tlingit Park.

16. NEXT MEETING DATE:

A. Comprehensive Plan Review - Thursday, February 26, 2009, 6:30 p.m.

B. Regular meeting - Thursday, March 12, 2009, 6:30 p.m.

17. ADJOURNMENT: at 8:40 p.m.