

**CITY OF UNALASKA  
UNALASKA, ALASKA  
PLANNING COMMISSION MINUTES  
THURSDAY, FEBRUARY 26, 2015  
CITY COUNCIL CHAMBERS, CITY HALL  
7:00 P.M.**

- 1. CALL TO ORDER:** Acting Chair Doanh Tran called the meeting to order at 7:00 PM.

**Roll Call:**

*Commissioners present:*

Doanh Tran

Vicki Williams

Jessica Earnshaw

**Staff Present:**

Erin Reinders, Planning Director

Anthony Grande, Planning Administrator

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

- 3. APPEARANCE REQUESTS:** *None*

- 4. ANNOUNCEMENTS:** Erin Reinders announced that the commission's Annual Report for 2014 would be presented at the March 10, 2015 City Council meeting. Ms. Reinders also announced that the City has received two applications for the open Planning/Historic Preservation Commission seats. Commissioners are appointed by the Mayor and approved by City Council. Staff is hoping that new appointments will occur in March.

- 5. MINUTES:** *Planning Commission & Platting Board, January 15, 2015.* Acting Chair Tran called for a motion to approve the minutes from the January 15, 2015 meeting. Jessica Earnshaw made a motion, Vicki Williams seconded the motion. Acting Chair Tran asked if there were any further discussions on the minutes. There being no comments, Acting Chair Tran called for a vote, which was unanimous (3-0). The minutes for the January 15, 2015 meeting were adopted.

**PUBLIC HEARING ACTION ITEMS:**

- 6. Resolution 2015-04:** *A resolution approving a variance for a rear yard reduction from 10 feet to zero feet to allow for a cold storage building to cross the lot line between Lot 2, East Point Road RAP/RVP, P-2003-05, and ATS 1073, P-79-05, located at 583 East Point Road.*

Acting Chair Tran opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Acting Chair called for staff presentation.

Anthony Grande announced that he was going to give presentations on items 6 and 7 together since they were for the same project. Voting will remain separate.

Coastal Transportation's intended project for the site is a 28,000 square foot cold storage. They are requesting two variances for the project which resulted in two separate resolutions. The first variance is for a rear yard setback reduction in order to build the cold storage across the lot line and maximize the space. The tideland property does not have a setback requirement. Staff found that the four tests of code were met; relieves hardship due to the property line placement, preserves the property right of the owner since the amount of space can easily accommodate a building of this size, will not negatively impact the neighborhood, and does not violate the Comprehensive Plan. Staff is recommending approval for the setback variance request.

The second Coastal variance request is a parking space reduction. The same issues are relevant here due to the shape of the lot. Most of the available space on this property is located along the roadway. Unfortunately, there aren't many safe places to put parking spaces. The applicant is moving the parking across the street within the range required by code. This request also meets all four tests of code for similar reasons as the applicant's other variance. Staff is recommending approval for the parking reduction variance request. The variance would allow this project to go through with 17 parking spaces as opposed to the 30 that are required by code.

Acting Chair Tran asked the commissioners if they had any questions for staff. Jessica Earnshaw asked if there were any safety concerns regarding parking lot location. City staff feels like the proposed parking lot across the street is a safer alternative due to traffic flow. Acting Chair Tran wanted clarification on whether or not the cold storage building would be partially built on the dock and whether there would be enough access. Staff answered that it would be adjacent to the dock not on it and, although it is a tight fit, there is enough room for access on either side of the building.

Acting Chair Tran asked if there was any public testimony. Mr. Grande announced that there were no members of the public signed up to speak.

Acting Chair Tran closed the public meeting and called for a motion to approve Resolution 2015-04. Ms. Earnshaw moved to approve Resolution 2015-04. Ms. Williams seconded. There being no further comments or questions from the commissioners, Acting Chair Tran called for a vote to approve Resolution 2015-04. The vote was unanimous (3-0) and the motion was carried and adopted.

**7. Resolution 2015-05:** *A resolution approving a variance for a parking reduction from 30 spaces to 17 spaces to allow for a cold storage building on Lot 2, East Point Road RAP/RVP, P-2003-05, and ATS 1073, P-79-05, located at 583 East Point Road.*

The staff presentation for Resolution 2015-04 covered Resolution 2015-05 as well since they are both for the same project.

Acting Chair Tran called for a motion to approve Resolution 2015-05. Ms. Earnshaw moved to approve Resolution 2015-05. Ms. Williams seconded. There being no further comments or questions from the commissioners, Acting Chair Tran called for a vote to approve Resolution 2015-05. The vote was unanimous (3-0) and the motion was carried and adopted.

**8. Resolution 2015-06:** *A resolution approving a preliminary plat of Unalaska Tideland Survey (UTS) 105, a replat of Alaska Tideland Survey 1445, P-94-11.*

Mr. Grande informed the commission that the purpose of this plat is to define the border and split the tideland to allow for the replatted portion to be leased to Unisea. The first step in leasing a tideland from the City is to subdivide off the portion that is to be leased. Tracts A-1 and B-1 would be the new leased areas. Tracts A-2 and B-2 would be outside the lease area. Tract C would remain completely untouched. If the plat moves forward, Unisea would have the opportunity to apply for a tideland lease from the City. Tideland leases go to the City Council for approval. The plat conforms to the basic standards for a plat and staff is recommending approval.

Acting Chair Tran asked if there were any questions for staff. Commissioner Earnshaw asked how long the lease would be granted for if it was approved. Erin Reinders answered that the general lease time is 30 years and that is what has been requested in this case. Acting Chair Tran asked if the applicant had any comments to make or if the commissioners had any questions for the applicant. There being no comments or questions, Acting Chair Tran closed the public hearing.

Acting Chair Tran called for a motion to approve Resolution 2015-06. Ms. Earnshaw moved to approve Resolution 2015-06. Ms. Williams seconded. There being no further comments or questions from the commissioners, Acting Chair Tran called for a vote to approve Resolution 2015-06. The vote was unanimous (3-0) and the motion was carried and adopted.

**9. Resolution 2015-07:** *A resolution approving a variance for a waiver of right-of-way access requirement to accommodate a subdivision of Lot 2, Baker Subdivision, located at 285 Raven Way.*

Mr. Grande stated that the staff report recommends disapproval of Resolution 2015-07. The existing lot does not conform to the City's subdivision standards. One of the reasons it does not meet the standards is that the property does not make contact with the right-of-way. This is problematic for several reasons, one of them being that property disputes can occur over the access easement. Historically, there have been issues between adjoining land owners regarding the access easement for this lot making access difficult. Staff's biggest concern is with Fire and life safety. The Acting Fire Chief is strongly opposed to this variance as well due to the fact that the City cannot enforce access easements and therefore cannot keep them clear. That can become an issue if an emergency arises and the easement is blocked.

There are four tests of code that a variance must meet. This request does not meet them for the following reasons:

- Granting this variance request does not alleviate a hardship from the applicant. Usually topography and shape of the lot causes a hardship on the property owner. The hardship in this instance is lack of access to the right-of-way. If approved, this variance permit would not alleviate a hardship. Instead, it would pass that hardship on to another lot and landowner.

- Staff maintains that granting this variance does not preserve a property right. The variance doesn't solve the problem of lack of access; all it does is extend the problem to another property owner.
- Granting this variance request would pose a fire and life safety threat since emergency access cannot be guaranteed.
- The Comprehensive Plan goals of additional housing could be met regardless of whether or not the lot was split into two parcels. The lot as it exists now can support two residences. Although another lot for housing would be created, the granting of this variance would not actually create any more housing than what the lot can accommodate currently.

Acting Chair Tran asked the commissioners if they had any questions for staff. Commissioner Earnshaw stated that there are other properties in the area that don't have direct access to the right-of-way. She wanted to know if there was a way to waive that requirement for this property. Staff replied that by granting the variance, the requirement would be waived. Commissioner Earnshaw also wanted to know if this lot was listed on the Infill Analysis Report. Staff reported that it was not since that inventory only dealt with vacant lots. Since it is still one lot and there is a house on it, it was not considered vacant. Acting Chair Tran wanted to know if staff viewed the lot in person. Mr. Grande answered that they had assessed the lot from the road. Acting Chair Tran also wanted to know if there were other areas in the community that had similar conditions as the applicant's lot. Ms. Reinders stated that there weren't many comparisons available. This situation is more difficult since there is already development on the lot in question and the two lots that the easement runs through. Had these lots been divided up pre-development, it may have been easier to ensure access requirements were met for all lots in that vicinity. Commissioner Earnshaw asked if the Planning Department had received any comments from affected landowners. Staff reported that there were no calls or letters received by the department.

Acting Chair Tran opened the floor to applicant's comments. Joey Echevarria stated that this has been an ongoing situation for him for the past three years. He does not believe there are any fire or safety hazards. Mr. Echevarria stated the road is twenty feet wide and flat all the way back to his lot with plenty of building space and places to park. Mr. Echevarria believes there are other lots that have worse access than his. He plans on purchasing Lot 1 of Baker Subdivision in the near future. Mr. Echevarria has developed a nice flat piece of property that is ready to be built on.

Travis Swangel is a neighbor below the Echevarria lot in question. He testified that Mr. Echevarria has a proven track record in the community for building houses. There are no neighbors that he knows of that have a problem with the applicant building a single family home. Mr. Swangel drew comparisons to the recently approved Deffendall Variance and believed that the Echevarria lot had better access with fewer issues than the Deffendall lot. Mr. Swangel stated that if Mr. Echevarria had been proposing a duplex on the lot in question, he would be opposed to that. Another point that Mr. Swangel made was that even though Mr. Echevarria can build two structures on the lot without splitting it, two properties on one lot drives up the selling price to a point where not many people in the community can afford to purchase. It is more financially feasible to have two smaller lots with houses on them and sell them off at a more affordable price.



Acting Chair Tran thanked Mr. Swangel for his comments and urged him to submit a written statement to the Planning Department if he had any further thoughts on this matter. Acting Chair Tran asked the commissioners if they had any questions for the public. Commissioner Williams asked Mr. Echevarria if he was planning on purchasing Lot 1 of Baker Subdivision. Mr. Echevarria answered that he was. Commissioner Williams then asked staff if purchasing the lot would eliminate some of the current issues. Staff replied that if Lot 1 was purchased, the entire area could be replatted and create flagpole lots in the back. That would still require a variance since the lot frontage on the road would only be 20 feet, instead of the required 60 feet. It does create a more favorable situation since the strip of land is owned by the owner of the back lot instead of the owner of the front lot. Mr. Grande clarified the Deffendall situation. The Planning Department does usually support a flagpole lot, like the Deffendall lot. A flagpole lot makes direct contact with the right-of-way alleviating property disputes with neighboring owners. Each landowner can access the right-of-way using their property rather than using an easement. Ms. Reinders added that if the applicant owned the land fronting the right-of-way that could change the situation but it would still need to be looked over to make sure setbacks were met and no other new issues came up. There being no more questions or comments, Acting Chair Tran closed the public hearing.

Acting Chair Tran called for a motion to approve Resolution 2015-07. Ms. Williams moved to approve Resolution 2015-07. Acting Chair Tran stated that she would have a hard time disapproving this since it would create a home for someone in the community. Commissioner Earnshaw stated that this variance request has come up several times and not been approved. Now that Lot 1 of Baker Subdivision will be purchased by Mr. Echevarria, she would like to see this pass and move forward. Acting Chair Tran asked staff if they had more comments. Ms. Reinders noted that there were many factors to take into account in this case. Ms. Reinders restated that another home could be built on the lot without subdividing. She realizes that this does create a financial concern for the applicant but City Code does not consider financial hardship as one of the reasons for granting a variance request. She recommended that the commissioners look at the tests of code to see if they were being met before voting. Commissioner Williams asked the applicant if he could hold off on his variance request until the purchase of Lot 1, Baker Subdivision went through. Mr. Echevarria stated that he could produce a letter verifying his purchase of the property. Ms. Reinders stated that the commissioners should base their voting on the information at hand since staff has not reviewed this request taking into account the applicant owning Lot 1. The applicant could then resubmit his request based on the new information. After some discussion the commissioners decided to vote on the resolution at hand, and in light of the changing circumstances. Acting Chair Tran called for a roll call vote to approve Resolution 2015-07. Williams – Aye, Earnshaw – Aye, Tran – Aye. The vote was unanimous (3-0) and the motion was carried and adopted.

### **REGULAR MEETING:**

#### **10. Receipt of Platting Authority approval of Resolution 2015-01 for the Hester Subdivision, a resubdivision of Lot 9, Eagle View Subdivision, located at 12 Eagle Crest Court.**

Acting Chair Tran acknowledged the receipt of the Platting Authority's resolutions. There being no action required, no staff presentation was provided.

**11. Receipt of Platting Authority approval of Resolution 2015-02 for the 12-month extension of the approval of the DeMeo Subdivision, a resubdivision of Lot 2A, Huling Subdivision, located at 140 Steward Rd.**

Acting Chair Tran acknowledged the receipt of the Platting Authority's resolutions. There being no action required, no staff presentation was provided.

**WORK SESSION:** *None*


**OTHER BUSINESS:** *None*

**12. Selection of a chair and vice-chair**

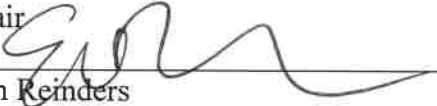
Commissioner Williams asked if voting could be put off until more commissioners were appointed. Mr. Grande informed the commissioners that they could take another vote once all the commission seats were filled, but a vote would need to take place at this meeting because City Code calls for a vote to take place every February. Acting Chair Tran asked for any nominations for Chair. Ms. Earnshaw nominated Commissioner Tran, Ms. Williams seconded. Ms. Tran nominated Ms. Earnshaw due to some new opportunities opening up for her that might require her to leave the island at an undetermined time. Ms. Earnshaw stated that she would prefer to see Ms. Tran as the Chair until she pursues new opportunities elsewhere. Ms. Williams nominated Ms. Earnshaw as Vice Chair and Ms. Earnshaw stated she would like the Vice Chair position. Mr. Grande informed the commissioners that since there was only one nomination for each position, no vote needed to take place unless there were any objections. Commissioner Tran was named the new Chair and Commissioner Earnshaw was named as Vice Chair.

**13. ADJOURNMENT:** Acting Chair Tran adjourned the meeting at 8:03 PM.

PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF March 2015 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.

  
\_\_\_\_\_  
Doanh Tran  
Chair

3/27/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Erin Reinders  
Recording Secretary

3/29/15  
\_\_\_\_\_  
Date

Prepared by Kelly Tompkins and Erin Reinders, Planning Department