



MUNICIPALITY OF SKAGWAY, ALASKA
PLANNING & ZONING COMMISSION MINUTES

April 13, 2023

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1. **Call to Order:**

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

2. **Roll Call:**

Present: Commissioners: Jaimie Lawson, Gary Hisman, Laura Mabee, Jacy Kern, Rocky Outcalt*
Assembly Liaison: Orion Hanson

Absent:

*[Clerk's Note: Commissioner Outcalt was initially marked absent, but arrived at 5:35 p.m. and participated in the remainder of the meeting]

3. **Approval of Minutes:**

Motion/Second: Hisman/Kern to approve the March 9, 2023 minutes.

Motion passed by roll call vote, 4 yes, 0 no, 1 absent.

4. **Approval of Agenda:**

Motion/Second: Hisman/Kern to approve the agenda.

Motion passed by roll call vote, 4 yes, 0 no, 1 absent.

5. **Communications:**

- A. Correspondence
- B. Permitting Official Report
- C. Hear Citizens Present

Craig Weidner indicated that he has concerns regarding traffic on Spring Street.

6. **Unfinished Business:**

7. **New Business:**

8. **Resolutions:**

- A. Adoption of Planning & Zoning Resolution No. 23-03: Approving Conditional Use Permit Application No. 23-08: Robert and Christy Murphy, Alaska X, Lot 6 Block 120, Congregate Housing

Motion/Second: Kern/Outcalt to adopt Resolution 23-03, approving Conditional Use Permit Application No. 23-08.

Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

9. Public Hearings:

- A. Public Hearing and Consideration of Conditional Use Permit Application No. 23-35:
Skagway Brewing Company (Nanu, LLC), ATS #4 Ptn 5D, in the Waterfront Zone, Request
to Operate a Restaurant Serving Alcohol

Public Hearing

Chair Lawson invited the applicant representative to speak about the permit application.

Mike Healy indicated that the application is for the Smokehouse restaurant at the waterfront and they would be serving only beer and wine.

Permitting Official Fairbanks indicated that code requires a conditional use permit to serve alcohol on the waterfront.

Public Hearing was closed.

The Commission discussed the four conditions for approval of a Conditional Use Application.

Main Motion/Second: Kern/Hisman to approve Conditional Use Permit Application No. 23-35.

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

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman 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 the neighboring property or uses.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Outcalt to amend the main motion to include the finding of fact that the 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, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Outcalt 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, 5 yes, 0 no, 0 absent.

The Main Motion passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

- B. Public Hearing and Consideration of Conditional Use Permit Application No. 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.

Public Hearing

Chair Lawson invited the applicant representative to speak about the permit application.

Manager Brad Ryan indicated this is for the tour broker that the Municipality signs an agreement with to provide a clean tour sales operation and giving a percentage back to the Municipality.

Public Hearing was closed.

The Commission discussed the four conditions for approval of a Conditional Use Application.

Main Motion/Second: Hisman/Outcalt to approve Conditional Use Permit Application No. 23-36.

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

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman 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 the neighboring property or uses.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman to amend the main motion to include the finding of fact that the 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, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman 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, 5 yes, 0 no, 0 absent.

The Main Motion passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

- C. Public Hearing and Consideration of Conditional Use Permit Application No. 23-37:
Henry Burnham, Lot 1 Block 71, in the Residential-General Zone, Request for
Residential Triplex

Public Hearing

Chair Lawson invited the applicant representative to speak about the permit application.

Henry Burnham indicated that he has been slowly upgrading his home and was notified that he would need to apply for a conditional use permit for a residential tri-plex.

Commissioner Hisman indicated that the commission received correspondence regarding the property's deck not being on their neighboring property and not in compliance with setbacks on the lot line.

Henry Burnham indicated that he bought the lot as is, but he could change it if necessary to obtain the permit.

Permitting Official Fairbanks indicated that she took some measurements and the deck is on Mr. Burnham's property with about a foot to the lot line, but it does not have the five feet requirement.

Public Hearing was closed.

The Commission discussed the four conditions for approval of a Conditional Use Application.

Commissioner Outcalt indicated that one of the conditions to approve this application should be that the deck follows code as far as setback requirements.

Assemblymember Hanson indicated that the commission can require the setbacks be met in order to grant the permit.

Main Motion/Second: Kern/Outcalt to approve Conditional Use Permit Application No. 23-37.

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

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman 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 the neighboring property or uses with the condition that the deck on the property falls in compliance with setback standards.

The Secondary Motion passed by roll call vote, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman to amend the main motion to include the finding of fact that the 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, 5 yes, 0 no, 0 absent.

Secondary Motion/Second: Kern/Hisman 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, 5 yes, 0 no, 0 absent.

The Main Motion passed as amended by roll call vote, 5 yes, 0 no, 0 absent.

10. Commission Discussion:

The Commission discussed scheduling a work session or special meeting for Friday, April 21 at 5:30 p.m. to discuss commercial grounds transportation routes with the Police Chief, transportation company representatives, and the community.

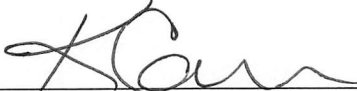
11. Adjournment:

Motion/Second: Hisman/Outcalt to adjourn at 6:32 p.m.

Motion passed by roll call vote, 5 yes, 0 no, 0 absent


Jaimie Lawson, Chair

ATTEST:


Kathy Carr Steve Burnham Jr., Borough Clerk
(SEAL) DEPUTY

