



Municipality of Skagway

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MEMO

TO: Planning & Zoning Commission

FROM: Clerk's Office

DATE: May 28, 2024

RE: Special Meeting May 29, 2024; Public Hearing and Consideration

Agenda Item #4

If the commission wishes to grant the request of the applicant to re-open the Public Hearing for Conditional Use Permit Application No. 2024024, which was closed at the May 9, 2024, meeting, the following will need to happen:

- After the Chair initiates agenda item #4, a commissioner could move to re-open the public hearing. A potential motion could be as follows:

"I move we re-open the public hearing held on May 9, 2024, regarding conditional use permit application No. 2024024: David and Pamela Hunz, Lot B, Dave & Pam Subdivision, in the Industrial Zone, Plat 2014-04, Request to Construct a Bunkhouse."

- If the motion is seconded, then the commission can have discussion before having a roll call vote to determine if the public hearing will be re-opened.

Agenda Item #4.1 Public Hearing

If the motion to re-open the public hearing passes, the chair will declare the public hearing open and allow the applicant to present any additional information. Only the applicant or those who were signed up for the original public hearing may participate in the re-opened public hearing. In this case, other than the applicant, **Martin Rudlof** is the *only* person who can provide public testimony. Once all testimony has been heard, the chair will need to **close the public hearing** before proceeding on to Consideration.

Agenda Item #4.2 Consideration

At the May 9, 2024, Planning Meeting, the Commission adopted motions that request staff to draft a resolution that "approves" conditional use permit application No. 2024024, and to include findings of fact that not all the standards are supported.

SMC 19.04.060(B)(5) Issuance or Denial of Conditional Use Permit; Findings of Fact.

In passing upon an application for a conditional use permit, the planning commission shall, after notice and hearing as hereinafter provided, from the evidence presented to it, **make written findings of fact in a formal resolution of the planning commission, which findings of fact support the standards** set forth above (in the case where a conditional use permit is granted), **or which findings of fact show that the evidence does not support the standards** (in the case where a conditional use permit is not granted). Such resolutions shall be permanently retained by the planning commission.

*Emphasis added by the Clerk's Office

It is the recommendation of the Clerk's Office that the commission void all previous decisions regarding this application and start with a fresh motion, as follows:

"I move we void the previous decisions regarding conditional use permit application No. 2024024 from the May 9, 2024 Planning & Zoning Commission meeting, including the main motion to 'approve conditional use permit application no. 2024024 with the conditions that there will be a principal use in effect as outlined in 19.06.070 and the required parking spaces are met for the number of residents, as well as the subsequent motions concerning the Four Standards."

If a motion to void the previous decision has been approved by roll call vote, a new motion to approve or deny the application may be made, followed by the required four amendments regarding standards. These amendments must include findings of fact which **support** the decision.

Please do not hesitate to ask questions if further clarification is needed.