



Planning Commission Meeting Agenda
Regular Scheduled Meeting Thursday, February 13, 2020– 6:30PM
CITY HALL COUNCIL CHAMBERS 300 CHIEF EDDIE HOFFMAN HIGHWAY

MEMBERS

Kathy Hanson
Chair

Term Expires 12/2021

Lorin Bradbury
Vice-Chair

Term Expires 12/2020

John Guinn
Commission Member

Term Expires 12/2021

Alex Wasierski
Commission Member
Term Expires 12/2021

Shadi Rabi
Commission Member
Term Expires 12/21

Scott Campbell
Commission Member
Term Expires 1/2020

Tracy Beans
Alternate Member
Term Expires 12/2021

Stanley Hoffman Jr
Alternate Member
Term Expires 12/2021

Haley Hanson
Council Representative
Term Expires 10/2021

Ted Meyer
Ex-Officio Member

Pauline Boratko
Recorder

A handwritten signature in black ink, appearing to read "Pauline Boratko", is written over the printed name of the Recorder.

AGENDA

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. PEOPLE TO BE HEARD – (3 Minute Limit)
- IV. APPROVAL OF THE AGENDA:
- V. APPROVAL OF THE MINUTES:
 - A. Regular Meeting- January 9, 2020
 - B. Regular Meeting- December 12, 2019
- VI. SPECIAL ORDER OF BUSINESS:
 - A. Accepting resignation of Tracy Beans, and declaring the seat vacant.
- VII. NEW BUSINESS:
 - A. Identifying needed Planning Department Code Amendments (discussion item).
- VIII. UNFINISHED BUSINESS:
- IX. PLANNER'S REPORT:
- X. COMMISSIONER'S COMMENTS:
- XI. ADJOURNMENT:

City of Bethel, Alaska

Planning Commission

January 9, 2020

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held on January 9, 2020 at the Bethel City Hall, Council Chambers in Bethel, Alaska. The Chair of Commission, Kathy Hanson called the meeting to order at 6:30 PM.

- II. **ROLL CALL:** The following were present for roll call: Kathy Hanson, Lorin Bradbury, Alex Wasierski, Scott Campbell, and Stanley Hoffman Jr. arrived late at 6:33pm.
Excused Absence: John Guinn, Shadi Rabi, Tracy Beans, and Haley Hanson
Also present was Ted Meyer, City Planner and Charlie Dan, Recorder.

III. APPROVAL OF THE AGENDA:

MOVED:	Lorin Bradbury	Motion to approve the agenda
SECONDED:	Alex Wasierski	
VOTE ON MOTION	Unanimous	

IV. APPROVAL OF THE MINUTES: tabled until next meeting

V. SPECIAL ORDER OF BUSINESS:

A. Election of the chair and co-chair of the planning commission

MOVED:	Lorin Bradbury	Motion to nominate Kathy Hanson to continue as chair of the planning commission.
SECONDED:	Alex Wasierski	
VOTE ON MOTION	Unanimous	

MOVED:	Alex Wasierski	Motion to nominate Lorin Bradbury to continue as the vice chair of the planning commission.
SECONDED:	Scott Campbell	
VOTE ON MOTION	Unanimous	

VI. NEW BUSINESS:

- A. Army Corps of Engineers presentation on the wetland general permit program: tabled
B. Public Hearing: Request for Conditional Use Permit: On June 27, 2019 the City of Bethel Planning Department Office received an application for a Conditional Use Permit from Essenkay, LLC- Jared Karr and Naim Shabani doing business as Kusko Kush to open a retail marijuana store. The legal description is: United States Survey 3230 A & B, Lot 4 Block 15. Physical Address is: 780 1 3rd Avenue.

The Planning Commission, acting in a quasi-judicial body held a public hearing.

Chair of the Commission Kathy Hanson opened up the public hearing.

The Chair asked members of the Commission to disclose any conflicts of interest or Ex Parte Communications they may have had on the action before them.

Lorin Bradbury- believes that marijuana should be illegal, safety concerns, and being 500 ft of a church at state regulations.

Testimony by Interested Parties

Blain Elliot via email- opposes Conditional Use Permit.

Deliberation took place amongst commissioners.

MOVED:	Alex Wasierski	Motion to approve Conditional Use Permit (Resolution 2020-01) with the condition that the space between the store and 3 rd avenue be blocked off.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	Unanimous	

Chair Kathy Hanson closed the public hearing.

VI. PLANNER’S REPORT: Ted gave his report.

VII. COMMISSIONER’S COMMENTS:

- K. Hanson- no comment.
- L. Bradbury- no comment.
- A. Wasierski- no comment.
- S. Campbell- no comment.
- S. Hoffman- no comment.

X. ADJOURNMENT:

MOVED:	Lorin Bradbury	Motion to adjourn the meeting.
SECONDED:	Scott Campbell	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned 7:38 pm

APPROVED THIS ____ DAY OF _____, 2020

ATTEST: Charlie Dan, Recorder

Kathy Hanson, Chair

City of Bethel, Alaska

Planning Commission

December 12, 2019

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held on December 12, 2019 at the Bethel City Hall, Council Chambers in Bethel, Alaska. The Vice-Chair of Commission, Lorin Bradbury called the meeting to order at 6:30 PM.

II. ROLL CALL:

Comprising a quorum of the Commission, the following members were present for roll call: Lorin Bradbury, John Guinn, Shadi Rabi, Scott Campbell, Tracy Bean, Haley Hanson, and Stanley Hoffman Jr arrived late at 7:15pm.

Excused Absence: Kathy Hanson

Also Present: Pauline Boratko, Recorder; Ted Meyer, City Planner

III. PEOPLE TO BE HEARD:

Mike Shantz- voiced his concerns about the Blueberry zone violation, hope something will get done soon.

Daisy Mae Barrera- spoke in favor of Windy Willow conditional use permit (CUP)

Beverly Hoffman- spoke in favor of Windy Willow CUP.

Fred Broerman- spoke in favor of Windy Willow CUP.

IV. APPROVAL OF THE AGENDA:

MOVED:	Shadi Rabi	Motion to approve the agenda
SECONDED:	Scott Campbell	
VOTE ON MOTION	Unanimous	

V. APPROVAL OF THE MINUTES:

MOVED:	John Guinn	Motion to approve the November 14, 2019 regular meeting minutes.
SECONDED:	Haley Hanson	
VOTE ON MOTION	Unanimous	

VI. SPECIAL ORDER OF BUSINESS:

VII. NEW BUSINESS:

- A. On November 15, 2019, the City of Bethel Planning Office received an application from Paul and Tracey Wilbanks for a Conditional Use Permit to open a Hair and Nail Salon in the Residential Zone. The legal description is Plat # 71-425, Block 6 Lot 39 in the Bethel Recording District. The physical address is 258 Akiak Drive in the City Subdivision.

The Planning Commission, acting in a quasi-judicial body held a public hearing.

Vice-Chair of the Commission Lorin Bradbury opened up the public hearing.

The Chair asked members of the Commission to disclose any conflicts of interest or Ex Parte Communications they may have had on the action before them.

Vice Chair Lorin Bradbury stated that he has been friends and a pastor to the Wilbanks, but informed that will have no conflict in making a fair decision.

Testimony by Interested Parties

- Bob & Margaret Herron via email-* spoke in favor of the CUP
- Lea Ann Salzbrun via email-* voiced concerns of business operation in residential zone.
- Annie Cochran-* spoke in favor of the CUP
- May May Cochran-* spoke in favor of the CUP
- Rose Thompson-* spoke in favor of the CUP
- Brian Lefferts-* spoke in favor of the CUP
- Tom Bobo-* spoke in favor of the CUP
- Holly Bono-* spoke in favor of the CUP
- Diane Graham-* spoke in favor of the CUP
- Zuly Pitree-* spoke in favor of the CUP
- Brandon Nelson-* spoke in favor of the CUP
- Barb Mikelson-* spoke in favor of the CUP
- Patty Jones-* spoke in favor of the CUP
- Jessica Shroder-* spoke in favor of the CUP
- John Hastie-* spoke in favor of the CUP
- Erin Schalk-* spoke in favor of the CUP
- Jennessa Esquible-* spoke in favor of the CUP

Deliberation took place amongst commissioners.

MOVED:	Scott Campbell	Motion approve the Conditional Use Permit-Resolution # 2019-8 for Paul & Tracey Wilbanks to operate and hair and nail salon in the residential zone under conditions that they continue to live in the home and no signage displayed. The Planning commission did not adopt the Planning Director's recommendations and conclusions' because they found the salon will be compatible with in the residential zone.
SECONDED:	Alex Wasierski	
VOTE ON MOTION	Unanimous	

Vice Chair Lorin Bradbury closed the public hearing.

VI. PLANNER'S REPORT: Ted gave his report.

VII. COMMISSIONER'S COMMENTS:

- S. Rabi- no comment
- A. Wasierski- no comment
- S. Campbell- I won't be here for the January meeting.
- S. Hoffman- no comment
- L. Bradbury-It was a good outcome.
- J. Guinn- no comment
- T. Beans- no comment
- H. Hanson- no comment

X. ADJOURNMENT:

MOVED:	Shadi Rabi	Motion to adjourn the meeting.
SECONDED:	John Guinn	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned 9:28 pm

APPROVED THIS _____ DAY OF _____, 2019

ATTEST: Pauline Boratko, Recorder

Lorin Bradbury, Vice- Chair

By: Planning Commission
Public Hearing: December 12, 2019
Adopted: December 12, 2019

RESOLUTION
City of Bethel Planning Commission
Resolution No. 2019 – 08

**A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION
SUBMITTED BY PAUL AND TRACY WILBANKS TO OPEN A BEAUTY SALON LOCATED
AT 258 AKIAK DRIVE, PLAT #71-425, LOT 39 BLOCK 6, IN THE RESIDENTIAL ZONING
DISTRICT IN BETHEL, ALASKA, IN THE BETHEL RECORDING DISTRICT.**

WHEREAS, Paul and Tracy Wilbanks submitted a Conditional Use Permit Application for the purpose of opening a beauty salon in the Residential Zoning District; and

WHEREAS, Bethel Municipal Code (BMC) 18.32.030 requires a Conditional Use Permit for Personal Services in the Residential Zone; and

WHEREAS, BMC 16.12.030 defines Personal Services as including barbers and beauty shops; and

WHEREAS, the Planner for the City of Bethel has reviewed and wrote findings of fact regarding the Conditional Use Permit application and determined that it does not conform to the requirements pursuant to BMC 18.32 (Residential District), 18.60 (Conditional Use Permit) and 16.04 (Planning, Land Use, Platting, and Site Development), and thus recommended denial of the Conditional Use Application; and

WHEREAS, the Planning Commission has reviewed the Conditional Use application and staff's findings and conclusions and has determined the proposed use does conform to the requirements pursuant to BMC 18.32, BMC 18.60 and BMC 16.04; and therefore does not adopt the Planner's recommendations and conclusions; and

NOW THEREFORE BE IT RESOLVED the Planning Commission finds that said beauty salon located inside a residence in the Residential District is compatible with the neighborhood, and it will not be a detriment to the neighborhood nor to the general welfare of the community, and hereby approves the permit with the following conditions:

1. No signage is allowed on the property.
2. Approved applicants must reside on said property.

PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION by a duly constituted quorum on this 12th day of December 2019 by the City of Bethel City Planning Commission Action:

Vote: In Favor: **5** Opposed: **0** Abstained: **0**

ATTEST:


Lorin Bradbury, Vice Chair
City of Bethel Planning Commission


Pauline Boratko, Recorder

RESOLUTION
City of Bethel Planning Commission
Resolution No. 2020 – 01

**A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION
SUBMITTED BY ESSENKAY, LLC DBA KUSKO KUSH FOR A RETAIL MARIJUANA STORE
LOCATED AT 781 THIRD AVENUE, UNITED STATES SURVEY 3230 A&B, LOT 4 BLOCK
15, IN BETHEL, ALASKA, IN THE BETHEL RECORDING DISTRICT.**

WHEREAS, Pursuant to Bethel Municipal Code (BMC) 18.36.030H(General Use District- Conditional Uses), Essenkay, LLC, has submitted a Conditional Use Permit Application for the purpose of opening a retail marijuana store in the General Use District; and

WHEREAS, the Planner for the City of Bethel has reviewed and wrote findings of fact and recommendations for the Conditional Use Permit application and determined that it conforms to the requirements pursuant to BMC 18.60 (Conditional Use Permit Standards and Procedures) and 16.04 (Planning, Land Use, Platting, and Site Development); and

WHEREAS, the proposed retail store will experience short-term customers and parking times. A 32-foot wide driveway will provide access to and from the property from Third Ave. There is adequate parking space (10 parking spaces). There is currently no traffic problem in the immediate vicinity. It is anticipated that there would be an increase in traffic to the vicinity upon operation startup; and

WHEREAS, permitting a commercial business such as a marijuana retail store inside the General Use District surrounded predominantly by other commercial uses, including past permitted Conditional Uses such as a liquor store next door, and a marijuana retail store 260-feet to the west on Third Avenue should not be a detriment to the neighborhood nor to the general welfare of the community.

WHEREAS, the location of the store promotes a logical growth pattern within the city as it is located on a major thoroughfare surrounded by predominantly commercial uses that are a type that attract vehicles and customers from all over the city; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission has reviewed the Conditional Use application and staff's findings and has determined that it conforms to the requirements pursuant to BMC 18.60 and BMC 16.04; and

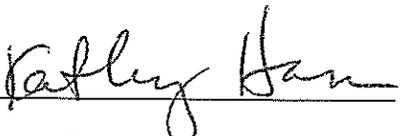
NOW THEREFORE BE IT FURTHER RESOLVED the Planning Commission finds that a commercial business such as a marijuana retail store located inside the General Use District, on a major thoroughfare surrounded predominantly by other commercial uses should not be a detriment to the neighborhood nor to the general welfare of the community, and hereby approves the permit with the following conditions:

1. The 18-foot by 24-foot space between the front of the store and Third Avenue shall be blocked off with barriers to prevent customer parking and associated backing out on to Third Ave when leaving the premises.

PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION by a duly constituted quorum on this 9th day of January 2020 by the City of Bethel City Planning Commission Action:

Vote: In Favor: 4 Opposed: 0 Abstained: 0

ATTEST:



Kathy Hanson, Chair
City of Bethel Planning Commission



Pauline Boratko, Recorder

MEMO

FROM: Ted Meyer 

TO: Planning Commission

SUBJECT: Discussion Identifying Needed Planning Department Code Changes

DATE: February 7, 2020

Below are potential BMC code amendments for discussion regarding planning sections of the Bethel Municipal Code. Additional suggested amendments from commissioners are welcomed at this meeting.

1. **15.12.20** Site plan permit required for any improvement to land or structure)
 - a. One truckload of dirt?
 - b. Height of building?
2. **18.36.020G** Practicality of Accessory structure in General Use?
3. **18.32.020G** Limit size of accessory structure vs. principal structure?
4. **18.76** Rezone ASHA Housing Sub and other residential enclaves in old Bethel from 9,000 square feet to 4,000 square foot minimum (rezone to new designation - R2)
5. **18.72.020** Eliminating appeal to Board of Adjustment of Planning Commission's decision regarding code enforcement violations
6. **13.04.310 (C)** No water/sewer for illegal structures?
7. **5.04** Business permits issuance must have zoning review?

To: Bill Howell, Acting City Manager

From: Ted Meyer, Planner

Subject: January Manager's Report

Date: February 3, 2020

SUBDIVISIONS

Blue Sky Subdivision

Final Subdivision Agreement documents are being reviewed by DOWL. The next step is signing the subdivision agreement by both parties.

ONC Ciullkulek Subdivision

Nothing to report this month.

Tanqik Subdivision

Consultants restarted working on the subdivision agreement checklist in January. Their goal is to begin road construction this summer.

ZONING

Staff is gathering data for two reports to be presented to the Planning Commission for zoning the new Blue Sky Subdivision (to be presented in March), and developing a new residential zoning designation for the ASHA housing subdivision area (allowing smaller lot sizes than 9,000 square feet), to be presented in April.

SITE PLAN PERMITS

No Site Plan Permit applications were received during the month of January.

CODE ENFORCEMENT

Staff continues to work with the attorney on multiple code enforcement issues.

CONDITIONAL USE PERMIT

The Planning Commission approved the Conditional Use Permit for the Kusko Kush retail marijuana store on January 9.

PERMIT APPLICATIONS

Staff is currently updating all forms and applications and also making them fillable for online users.