

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA

March 13, 2014

7:00pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: January 9, 2014

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

1. Comprehensive Plan review and evaluation (defer)

G. NEW BUSINESS

Pub Hrg

1. Preliminary Plat review, a replat of Lots 1 and 2, Block 24A, Wrangell Tidelands Addition (ATS 83) and a portion of the unsubdivided ATS 83 tidelands, creating Lot 1A, requested by Dave Svendsen.

Pub Hrg

2. Request to vacate and/or modify easement adjacent to Evergreen Avenue on Lot 1, Block 3, USS 1593, zoned Single Family Residential, requested by Todd and Catherine White.

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

January 9, 2014

7:00pm

A. CALL TO ORDER/ROLL CALL

Chairperson Betty Keegan called the regular meeting of the Wrangell Planning and Zoning Commission to order at 7:00 pm on January 9, 2014 in the Wrangell Borough Assembly Chambers. Commissioners' Don McConachie, Kipha Valvoda, Mark Mitchell and Rudy Briskar were present; Commissioners Stan Schnell and Terri Henson were absent. Recording Secretary Lavonne Klink and Zoning Administrator Carol Rushmore were present.

B. AMENDMENTS TO THE AGENDA

Commissioner McConachie makes a motion to change the Agenda to include the fill application by Brett Woodbury, owner of BW Enterprises under correspondence, and move Item G1 to G4 position and move into Item G1. Tideland's purchase request by David Svendsen. Commissioner Valvoda seconds, all approved.

C. APPROVAL OF MINUTES December 12-13, 2013

Valvoda Moves to approve the minutes of December 12 & 13, 2013, Briskar seconds, all approved.

D. PERSONS TO BE HEARD

None

E. CORRESPONDENCE

Corps of Engineers Permit application for fill, Permit POA-2013-604, requested by BW Enterprises, Brett Woodbury for a fill on Lots 6 and 7, Block 12A

Staff states this is for informational purposes only.

F. OLD BUSINESS

1. Comprehensive Plan review and evaluation

Nothing new to report

G. NEW BUSINESS

1. Request by David Svendsen to purchase City Tidelands in the unsubdivided portion of Wrangell Tidelands Addition, ATS 83, adjacent to Lots 1 and 2 Block 24A, ATS 83, zoned Waterfront Development.

David Svendsen Box 1123, 428 Church Street Wrangell, Alaska, had approval to purchase the Tidelands where dock is, has a 55 year lease. When he had a survey completed, the dock is touching the outside edge of the property line. He wants to square up the property and as asking to purchase. He went to Port Commission for approval. William Bloom owns the property adjacent to Mr. Svendsen's lease. Mr. Bloom is to the north of Mr. Svendsen property and Mr. Bloom wishes to purchase the wedge. This is a recommendation to the assembly.

McConachie moves to approve Request by David Svendsen to purchase City Tidelands in the unsubdivided portion of Wrangell Tidelands Addition, ATS 83, adjacent to Lots 1 and 2 Block 24A, ATS 83, zoned Waterfront Development and include the area of north of this requested area, for Mr. Bloom. Kipha Valvoda seconded. Motion passes by unanimous vote.

2. Conditional Use permit request for second bunk house on Lot 29BB, Sylvester Replat, zoned Waterfront Development, requested by Trident Seafood's.

Open public hearing combining items #2 and #3 regarding off street parking.

Harley Johnson 113 Third Street, Wrangell, Alaska attending on behalf of Johnson Construction and Trident Seafoods. When first applied for conditional use permit, it was 3 story and is now changed to a 2 story with a building height about 28'. Two representatives are in attendance if Commission has any questions.

McConachie asks about the parking, most residents don't have vehicles.

There are 6 parking spaces included with the design. This would be most likely for pick up delivery of supplies and employees. McConachie asks if the City has any issues. At this time there are no complaints from the neighbors.

Public hearing is closed.

McConachie moves to approve Conditional Use permit request for second bunk house on Lot 29BB, Sylvester Replat, zoned Waterfront Development, requested by Trident Seafood's, Mitchell seconds. Motion passes by unanimous vote.

3. Variance permit request for a variance to the off-street parking requirements on Lot 29BB, Sylvester Replat, zoned Waterfront Development, requested by Trident Seafood's.

McConachie moves to approve Variance permit request for a variance to the off-street parking requirements on Lot 29BB, Sylvester Replat, zoned Waterfront Development, requested by Trident Seafood's, Briskar 2nds. Motion passes by unanimous vote.

4. Proposed Zone Change from Waterfront Development to Rural Residential for a portion of Lot 12, USS 2589 and a portion of Lot 5, USS 2589 owned by Mark and Margaret Mitchell, and Lot 19, USS 2589 owned by State of Alaska, Department of Natural Resources, requested by Mark and Margaret Mitchell.

Mitchell steps down due to conflict with the item.

Open public hearing.

Mark Mitchell, PO Box 80, Wrangell, Alaska, they purchased a piece of property. On a portion of the property they want to build a home on, the other part of the property which is Waterfront Development they would like to remain Waterfront Development.

Keep the lower portion of lot along shoreline as waterfront development and rezone the upper portion to Rural Residential.

McConachie moves to approve a Proposed Zone Change from Waterfront Development to Rural Residential for a portion of Lot 12, USS 2589 and a portion of Lot 5, USS 2589 owned by Mark and Margaret Mitchell, and Lot 19, USS 2589 owned by State of Alaska, Department of Natural Resources, requested by Mark and Margaret Mitchell. Briskar 2nds.

This is a recommendation to the Assembly who will have final approval.

Motion passed by unanimous vote

H. PUBLIC COMMENT None

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS None

J. ADJOURNMENT 7:25 pm

City of Wrangell, Alaska

AGENDA ITEM G1

Date: March 10, 2014

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review, a replat of Lots 1 and 2, Block 24A, Wrangell Tidelands Addition (ATS 83) and a portion of the unsubdivided ATS 83 tidelands, creating Lot 1A, requested by Dave Svendsen.

David Svendsen was approved to purchase additional tidelands in January, in addition to the Lots 1 and 2 that had been previously approved. The attached plat reflects his request and Assembly approval.

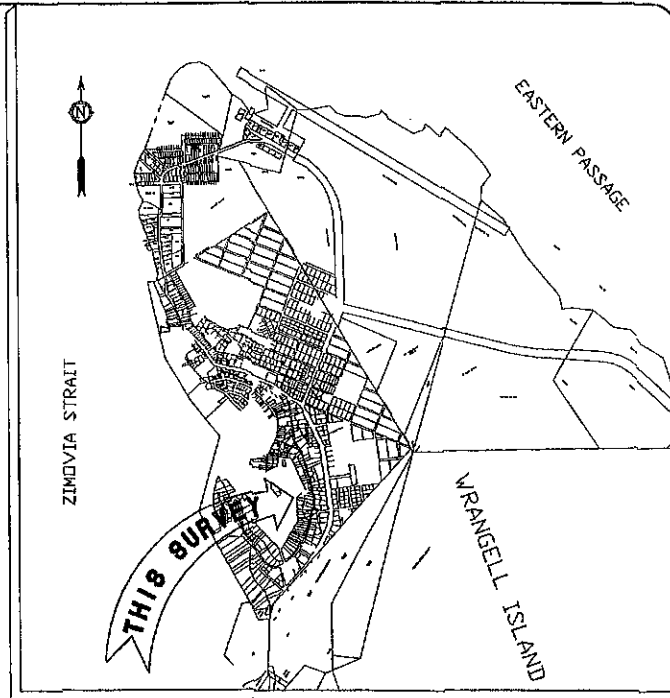
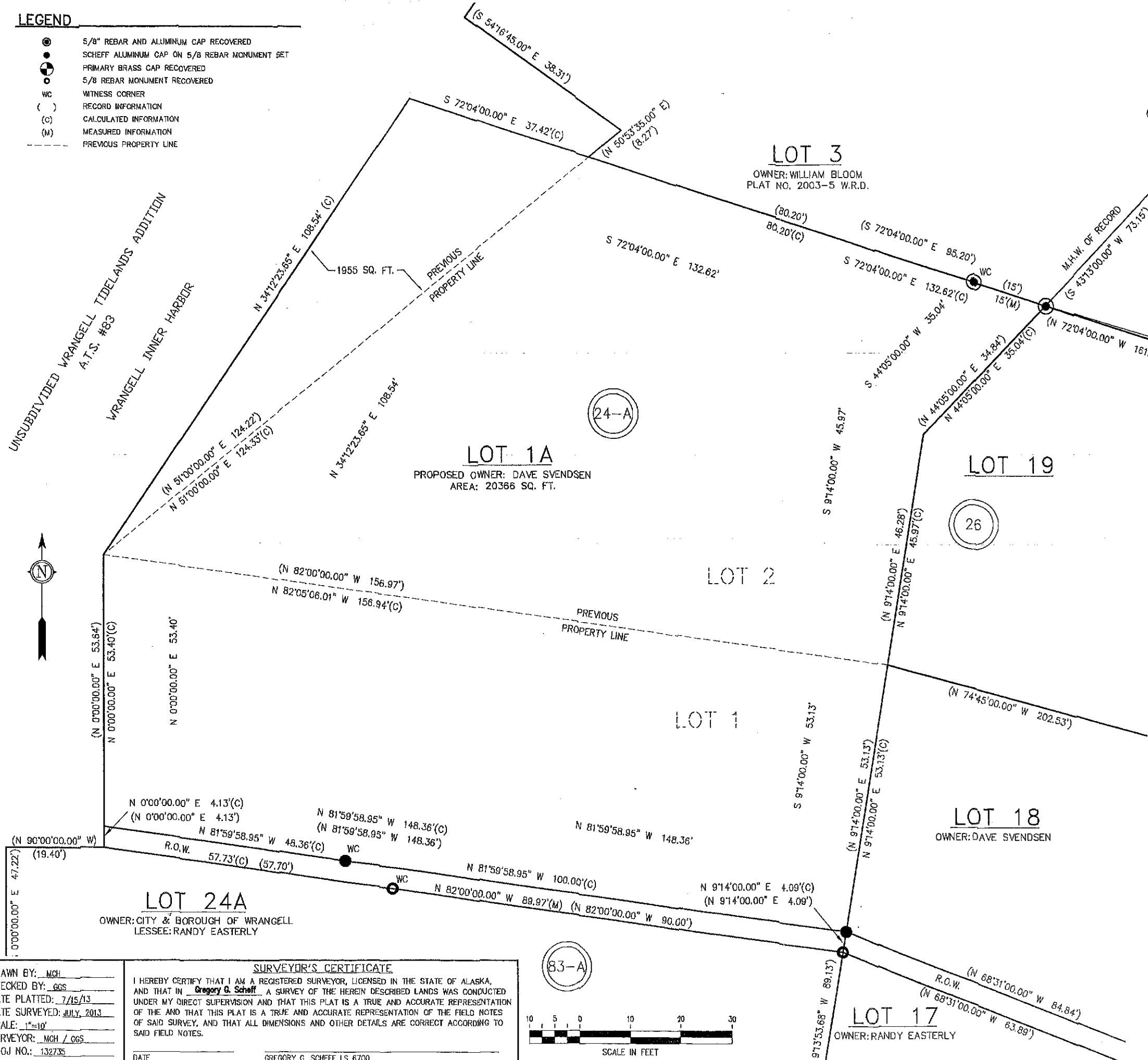
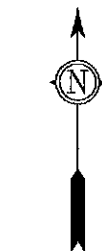
Mr. Bloom also requested to purchase the remaining wedge of tidelands in front of his Lot 3 and between his existing tidelands and the Svendsen tidelands, but has since withdrawn that request.

Staff recommends approval of the preliminary plat.

LEGEND

- 5/8" REBAR AND ALUMINUM CAP RECOVERED
- SCHEFF ALUMINUM CAP ON 5/8 REBAR MONUMENT SET
- PRIMARY BRASS CAP RECOVERED
- 5/8 REBAR MONUMENT RECOVERED
- WC WITNESS CORNER
- () RECORD INFORMATION
- (C) CALCULATED INFORMATION
- (M) MEASURED INFORMATION
- PREVIOUS PROPERTY LINE

UNSUBDIVIDED WRANGELL TIDELANDS ADDITION
A.T.S. #83
WRANGELL INNER HARBOR



VICINITY MAP
SCALE: NOT TO SCALE

PLAT NOTES

1. THE BASIS OF BEARING IS THE ACCEPTED BEARING OF N 15°43'37" W BETWEEN H&W BRASS CAPS NO. 452 & 450. THE TIE FROM H&W NO. 452 TO THE NORTHEAST CORNER OF LOT 1A IS N 73°23'17" W AND A DISTANCE OF 321.27 FT.
2. REFERENCE CITY OF WRANGELL TIDELANDS ADDITION PLAT PERFORMED BY HUBBELL AND WALLER, A.T.S. #83.
3. REFERENCE PLAT #2003-5, RECORDING DISTRICT 104-WRANGELL.
4. REFERENCE TIDELANDS LEASE #81-427, RECORDING DISTRICT 104-WRANGELL.
5. THIS REPLAT WILL COMBINE LOT 1 & 2, BLOCK 24A INTO 1 LOT, & ADD A PORTION OF PREVIOUSLY UNSUBDIVIDED TIDELANDS TO LOTS 1 & 2 TO FORM LOT 1A.

CLIENT: CITY & BOROUGH OF WRANGELL
BOX 531
WRANGELL, ALASKA 99929

Preliminary
WRANGELL RECORDING DISTRICT

Revisions	
No.	Description

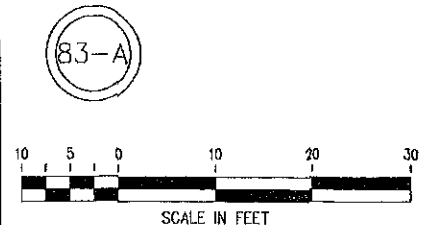
PROJECT:
A REPLAT OF LOTS 1 AND 2,
BLOCK 24A, WRANGELL TIDELANDS
ADDITION (A.T.S. #83) &
UNSUBDIVIDED A.T.S. #83
TIDELANDS CREATING LOT 1A.

PAGE 1 OF 2



DRAWN BY: MCH
CHECKED BY: GGS
DATE PLATTED: 7/15/13
DATE SURVEYED: JULY, 2013
SCALE: 1"=10'
SURVEYOR: MCH / GGS
PROJ NO.: 132735

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN Gregory G. Scheff A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.



City and Borough of Wrangell

Agenda G2

Date: March 10, 2014

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request to vacate and/or modify easement adjacent to Evergreen Avenue on Lot 1, Block 3, USS 1593, zoned Single Family Residential, requested by Todd and Catherine White.

Background: Mr. White is seeking to construct residential development on Lot 1. He previously was approved for the vacation of the alleyway between Lot 1 and Lot 2. He submitted a preliminary plat for the February meeting, but included in the plat was a vacated easement along Evergreen that had yet been approved. The plat review was pulled from the last meeting and Mr. White has since submitted his request for vacation of easements on Evergreen.

Findings:

The Planning and Zoning Commission reviews an easement or Right-of-Way vacation and makes a recommendation whether to vacate to the Assembly who will make a final decision.

Next year, Alaska Department of Transportation should begin construction on improving Evergreen Avenue from the Ferry terminal to at least Petroglyph Beach if not further. The street will be widened in some locations and a sidewalk added. They have been recently working on utility design and repeated requests to obtain current drawings of the road project have been unanswered. Borough staff are concerned about vacating any easements until the project has been designed, or until ADOT provides written assurances that these easements would not be necessary for the road project.

Staff spoke with ADOT Right-of-Way personnel Rob Murphy concerning the easements and road alignment and at this time, he has advised that the easements should not be vacated, in case they might be needed for construction or permanent use. He also mentioned that if the previous Evergreen project had utilized federal funds, then Federal Highways would want to be compensated at fair market value for those lands that might be vacated that had been previously obtained or improved with federal funds. At the time of our conversation, Mr. Murphy was still researching if the previous Evergreen project in the early 90's used only State funds or used federal funds.

Carl Johnson, Public Works Director, found the road transfer document, and based on that, Staff believe that only state funds were used, but ADOT has not confirmed this yet. If only State funds, then road and typically easements would have been transferred to the City for management authority, however, loss of any lands that might be needed during construction would be foolish to vacate until they are known not to be needed.

Mr. White has indicated to staff that the primary area he would like to see vacated is the V-shaped wedged waterward of the retaining wall that he constructed. But, as Mr. Murphy mentioned, if tiebacks or other support were needed during construction, while it is likely not to be needed in this area, project engineers won't know until design is complete. The V-shaped easement is a slope easement reflecting the topography of the land prior to the construction of the retaining wall. Staff also does not know if the constructed retaining wall is an appropriate structure for the future road construction. The information has been submitted to ADOT for comment and only Mr. Murphy has responded at this time.

Recommendation: Until the Evergreen project engineering design can be completed, staff recommends against approving vacation of the requested easement. Staff recommends receiving written assurances from ADOT regarding what portion of the easement could be vacated as not necessary to the Evergreen road construction project prior to any approval. Staff also recommends receiving verification from ADOT regarding if the previous Evergreen project utilized federal or state funds.

Carol Rushmore

From: Murphy, Robert B (DOT) <rob.murphy@alaska.gov>
Sent: Thursday, March 06, 2014 2:27 PM
To: ecodev@wrangell.com
Cc: Larsen, Mary E (DOT)
Subject: RE: Wrangell - Evergreen

Hi Carol,

Thanks for checking with us on this. Since the Evergreen Road improvements projects is still in the design phase we'd ask that you hold off on disposing of any portion of the right of way easements until the road improvement project design is finalized. I'll need to check but there may be federal strings attached to the slope easement. DOT paid \$1810.00 for the easement in 1983. I can't tell from the 1983 project number if it was federal or state funding. If it was federally funded there is a requirement to receive current market value for the area being vacated or disposed of with the proceeds to be applied to a federal project (probably the one currently in design). If it was state funding it would have been transferred to the City without strings and you could do as you please as long as the easement area isn't needed for the upcoming or future projects. Keep in mind that the easement was purchased instead of being dedicated to the public at no cost like most city street right of ways .

You can send your additional information to me and I'll make sure it gets distributed to the project engineer and others for comment. Thanks again for keeping us in the loop!

-Rob



State of Alaska

ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

COMMISSIONER'S QUIT CLAIM DEED AND ASSIGNMENT

THE GRANTOR; State of Alaska, Department of Transportation and Public Facilities, 6860 Glacier Highway, Juneau, Alaska, 99801-7999, hereinafter called "the State", for and in consideration of good and other valuable consideration in hand paid, grants, conveys and quitclaims, as authorized by Alaska Statute 19.05.040, to City of Wrangell, Alaska, whose address is Post Office Box 531, Wrangell, Alaska 99929 all rights, title and interests which it has, if any, in the following described real estate located in the State of Alaska, to wit:

All that portion of Second Street, Church Street, McCormack Street and Wrangell Avenue owned by the State of Alaska within the boundaries of State Project No. 68086 (Federal Project No. STP-0943(23)) and Federal Project No. S-0943(6), within Wrangell, Alaska, beginning at STA 2 + 58.55 and ending at STA 32 + 68.73 as shown on Attachment A, which is made a part hereof.

Additionally, all that portion of Stikine Avenue and Evergreen Avenue owned by the State of Alaska within the boundaries of State Project A-80311, within Wrangell, Alaska, beginning at STA 10 + 00 and ending at the boundary of U.S. Survey 9.

In addition to the conveyance described above, the State hereby assigns all rights, powers, interests and privileges in or arising from each and every one of the Utility Permits, Driveway Permits and Encroachment Permits, if any, associated with this described real estate.

Upon acceptance of this real estate by the City of Wrangell, the State shall cease maintenance and operation of Church Street and the described portions of Second Street, McCormack Street, Stikine Avenue, Evergreen Avenue and Wrangell Avenue and the City of Wrangell shall be responsible for the maintenance and operation of above described streets.

The State will indemnify, defend and hold harmless the City of Wrangell and all its representatives from all suits, actions, claims and costs, reasonable attorney fees or judgement incident thereto, brought on account of any injuries or damages sustained by any person or property as a result of the original design and construction.

The City of Wrangell will indemnify, defend and hold harmless the State and all its representatives from all suits, actions, claims and costs, reasonable attorney fees or judgements incident thereto, brought on account of any injuries or damages sustained by any person or property as a result of the maintenance and operation within the real estate, easements and permits transferred to the City of Wrangell.

This conveyance and assignment is governed by all applicable Federal and State laws and provisions including, but not limited to, the Bureau of Land Management Terms and Conditions for Right of Way and Material Sites, recorded in the Wrangell Recording District, Book 15, Pages 70 through 76.

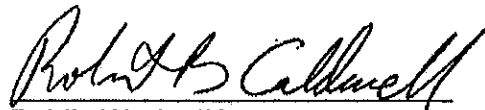
Dated this 12 day of February, 2002.

BY: 

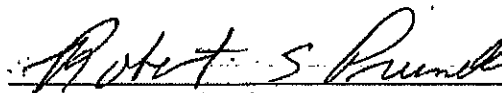
Bob Doll, Southeast Regional Director

Approved as to form:

The City of Wrangell

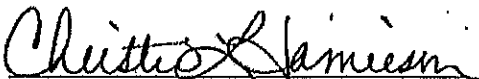


Public Works Director

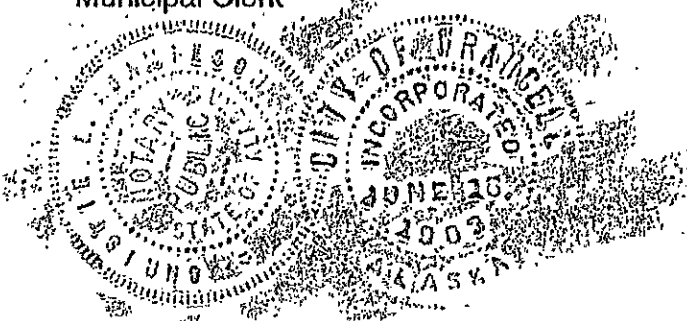


Robert Prunella, City Manager

Attest:



Municipal Clerk



ACKNOWLEDGMENT

STATE OF ALASKA

FIRST JUDICIAL DISTRICT


) ss.

BE IT REMEMBERED THAT on this 12th of February, 2002 before me, the undersigned, a notary public of the State of Alaska, personally appeared Bob Doll Southeast Regional Director of Transportation and Public Facilities, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he executed the same for and on the behalf of the State of Alaska, Department of Transportation and Public Facilities, with full authority so to do, and for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


 Notary Public
 My Commission Expires:

STATE OF ALASKA
 OFFICIAL SEAL
 Fredrik J. Thorsteinson
 NOTARY PUBLIC
 My Commission Expires 9/14/03



STATE OF ALASKA

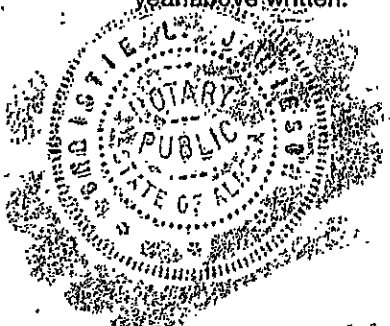
FIRST JUDICIAL DISTRICT

) ss.

BE IT REMEMBERED THAT on this 1st of February, 2002 before me, the undersigned, a notary public of the State of Alaska, personally appeared Robert Prunella City Manager of the City of Wrangell, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he executed the same for and on the behalf of the City of Wrangell, with full authority so to do, and for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


 Notary Public
 My Commission Expires:



After recording in the Wrangell Recording District, return to: State of Alaska, DOT&PF, ROW Property Manager, 6860 Glacier Highway, Juneau, Alaska 99801-7999