

# Planning Commission Staff Report

Meeting date: May 10, 2022

**TO:** Planning Commission  
**FROM:** Liz Cabrera, Community & Economic Development Director  
**Subject:** SPECIAL USE PERMIT – Neptune St. ROW  
Nathan & Mindy Lopez

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## Recommendation:

Recommend the Assembly approve the Special Use Permit for Neptune St. ROW

## The Petersburg Planning & Zoning Commission makes the following findings of fact:

1. An application for a special use permit application was submitted by Nathan & Mindy Lopez (applicant) and fees paid on March 14, 2022.
2. The proposed project would add approximately 6,000 sf of fill to the Neptune St right-of-way starting at Noseeum St.
3. The applicant is seeking to use the Neptune St ROW to access their private property.
4. Applicant intends to construct a residential dwelling on their property at 207 W Marian St.
5. There is some existing fill on the Neptune St ROW and utilities buried within the ROW.
6. A new residential dwelling would be required to connect to municipal sanitary sewer under PMC 14.08.080.
7. No comments from Public Works Department.
8. Fire Department stated they had no concerns.
9. Hearing notices were mailed to property owners within 600 feet of the right-of-way.
10. On May 10, 2022, a duly noticed public hearing was held by the Petersburg Planning Commission.
11. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.



## Section 2. Based on the preceding findings of fact, the Petersburg Planning Commission makes the following determinations:

1. The proposal is found to be of a beneficial nature to the community.

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The proposal improves access to a residential parcel allowing for new dwelling to be developed. Utilities are located within the ROW so a new dwelling would be able to connect to municipal power, water, and sewer. With limited developable land available, providing access to a new lot with utilities will benefit the subject property owner as well as other surrounding parcel owners if they are interested in developing their lots.

## 2. Impact on adjacent and surrounding properties.

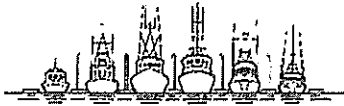
Most of the adjacent and surrounding properties are privately owned. The Neptune St ROW already has some gravel and underground utilities within the ROW, so the SUP would be primarily to improve and extend what is already there. We do not anticipate any negative impact on adjacent or surrounding properties by granting the SUP.

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Chair, Planning Commission

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Secretary, Planning Commission



**PETERSBURG BOROUGH**  
**SPECIAL USE PERMIT**  
**APPLICATION**

CODE TO:	110.000.404110
BASE FEE:	\$50.00
PUBLIC NOTICE FEE:	\$70.00
<b>TOTAL:</b>	<b>\$120.00</b>
CHECK NO. or CC:	# 319

DATE RECEIVED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

APPLICANT/AGENT	LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME Nathan and Mindy Lopez	NAME
MAILING ADDRESS P.O. Box 1250	MAILING ADDRESS
CITY/STATE/ZIP Petersburg, AK 99833	CITY/STATE/ZIP
PHONE 907-841-0183	PHONE
EMAIL nathanlopezproject@gmail.com	EMAIL

**PROPERTY INFORMATION**

PHYSICAL ADDRESS or LEGAL DESCRIPTION:  
 The Undeveloped row of Neptune between the properties of Seventh Day Adventist, Russ and Dana Thynes, Our Property, Lewie Silva, Todd Lappetito requesting access to property with a road.

PARCEL ID:	ZONE:	OVERLAY:
CURRENT USE OF PROPERTY: No Current Use	LOT SIZE:	

PROPOSED USE OF PROPERTY (IF DIFFERENT):  
 To be able to access with a road from Noseeum to the Undeveloped Row of Neptune to our Personal Property that is at 207 W Marian Street 243 Lot 4A

SEPTIC SYSTEM: Is there a septic system on the property?  YES  NO  
 What is current or planned system?  Municipal  DEC-approved on-site system

WATER SOURCE:  Municipal  Cistern/Roof Collection  Well

LEGAL ACCESS TO LOT(S) (Street Name): \_\_\_\_\_

**TYPE OF APPLICATION**

- Use of Borough Right-of-Way. Please submit site plan showing area you will be developing/using.
- Other: Requesting Access to the Undeveloped Row of Neptune off of Noseeum to our property.

**SUBMITTALS:**

Please submit additional information as required for specific permit. See specific application for more information.

**SIGNATURE(S):**

I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.

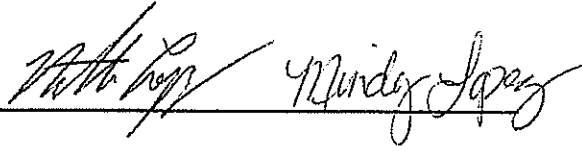
Applicant(s): Nathan And Mindy Lopez *Mindy Lopez* *Nathan Lopez* Date: 3-14-22

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

## 19.76 SPECIAL USE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Nathan And Mindy Lopez



Address or PID: \_\_\_\_\_

Project Summary: We are requesting to use the Undeveloped Row of Neptune off of Noseeum to our property for a drive way.

Conditions of approval as required in Petersburg Municipal Code 19.76.020:

**(Note that all regulations and requirements of Title 19 must be satisfied in order to qualify for a conditional use permit.)**

1. The Borough Assembly may issue the permit if the request, as approved by the Planning Commission, is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

There are instances when the private sector needs to use borough property for uses other than what the property was initially intended for. An example would be to use a platted, but undeveloped, right-of-way for private access to private property.

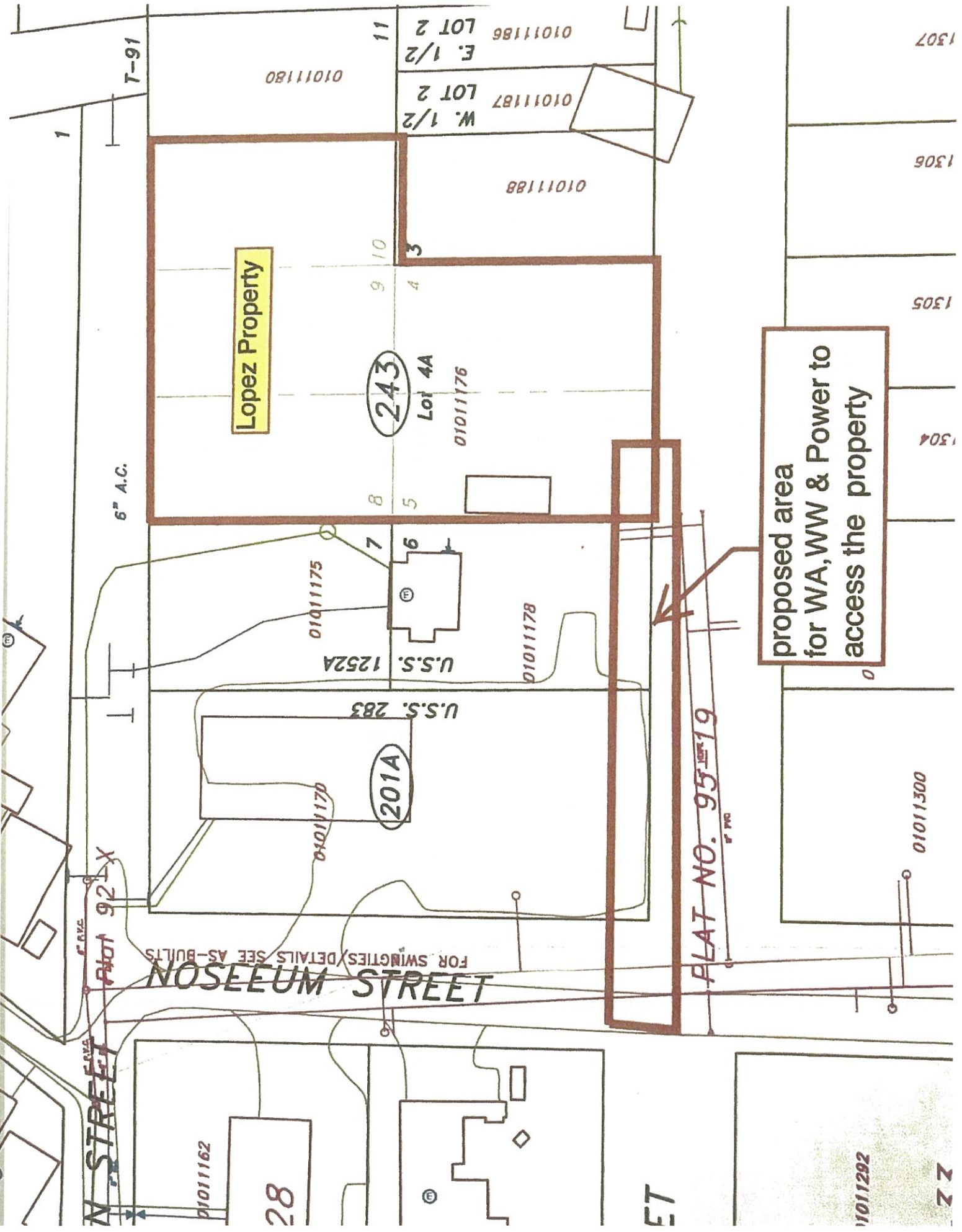
Explain how your application meets these conditions:

Our request for access to the Undeveloped Row of Neptune off of Noseeum would meet these conditions because it would be of beneficial nature to the community by providing access to a community members property to be able to hopefully put a home on it for their family. The Surrounding and Adjacent properties will not be adversely impacted in any way.

Lopez  
Personal Property



NOSEBUM ST



Lopez Property

243

201A

28

29

proposed area  
for WA, WW & Power to  
access the property

NOSEEU STREET

Plot 92-X

FLAT NO. 95-19

6" A.C.

T-91

U.S.S. 1252A

U.S.S. 283

W. 1/2 LOT 2  
E. 1/2 LOT 2

1307

1306

1305

1304

01011300

01011292

ZZ

FOR SWINGTIES/DETAILS SEE AS-BUILTS

# Neptune Right-of-Way Noseum Street & Neptune Street



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swis (Switzerland), NGCC, © OpenStreetMap contributors, and the GIS User Community



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**From:** [Ambre Burrell](#)  
**To:** [Karen Malcom](#)  
**Subject:** Public Hearing for Special use Permit Application - Lopez  
**Date:** Thursday, April 28, 2022 3:37:13 PM

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I am writing in support of the Lopez's Special use permit application.

There is no adverse impacts to the surrounding neighbors or neighborhood by allowing access on the ROW to the Lopez's property. If anything this will be a benefit to surrounding lots allowing them to potentially develop their land.

With a lack of "in town" property available I feel we should be allowing everyone to access and utilize their property to the fullest potential.

Thank you for your time,

Ambre Burrell  
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F. 907.772.2268