Planning Commission Report & Findings of Fact

Meeting Date: 3/12/2024

APPLICANT/AGENT:

Petersburg Children's Center

LEGAL DESCRIPTION:

Lots 3,4,5,6 Blk 66 USS1252

LOCATION:

See attached maps

ZONING:

Single Family Residential

PID:

01-006-125, 01-006-127 01-006-149, 01-006-155

APPLICATION SUBMISSION DATE:

1/25/2024

OWNER(S), IF DIFFERENT:

Petersburg Borough

LOT AREA:

20,000 sq ft

SURROUNDING ZONING

North: Public Use

South: Single-family Residential (SF) East: Single-family Residential (SF)

West: Public Use

I. APPLICANT REQUEST: Request to rezone 4 lots from Single-family to Public Use.

II. APPLICABLE CODES:

19.84 AMENDMENTS

III. FINDINGS:

- a. The subject property is composed of 4 parcels of borough-owned vacant land that is leased to the Petersburg Children's Center.
- b. The immediate surrounding area is developed with a mix of residential and institutional uses such as schools and childcare.
- c. The applicant's intent is to develop these lots for parking for the adjacent childcare facility but also move toward construction of a future childcare facility.
- d. The 2016 comprehensive plan recommends future land use for this area be Public Facilities. The intended use is site-specific, developed public use facilities, including developed recreation facilities.
- e. Public Facilities is also the intended land use for the existing PCC facility.
- f. Rezoning these lots from SF to Public Use would be consistent with the current land use for the school and existing Petersburg Children's Center. It would also be consistent with the intended use as outlined in the lease agreement with the borough.

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 19.84.040. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

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V. APPLICATION REVIEW

- a. The application is classified as a request to amend the borough zoning map.
- b. Criteria Per 19.84.030, The Planning Commission's report to the Assembly shall include findings as to need and justification for the proposed change, including findings as to the effect which the proposed change would have on the objective of the comprehensive plan.

VI. ACTION

Based on the preceding findings of fact, the Petersburg Planning Commission makes the following recommendation to the Borough Assembly:

The Planning Commission recommends to the Borough Assembly that Lots 3,4,5,6 Blk 66, USS 1252 be rezoned from Single-Family Residential to Public Use with findings of fact as presented.

The proposed change is consistent with the goals of the comprehensive plan, which recommended the property be used for public facilities and is consistent with the intended use as outlined in the terms of the lease between the PCC and the borough.

EXHIBITS

Planning Commission packet

Pages 1-2 of original Lease Agreement that was assigned to PCC



110.000.404110	CODE TO:
1 11	BASE FEE:
\$70,00 ////	PUBLIC NOTICE FEE:
/ ///	TOTAL:
1 100	CHECK NO. or CC:

PETERSBURG BOROUGH LAND USE APPLICATION		B/	ASE FEE:	1	7.404110	
		PUBLIC NOT		\$70,00	1///	
			TOTAL:		1//	
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CITY/STATE/ZIP Petersbu	ırg, AK 99833	CITY/STATE/ZIP Petersburg, AK, 99833			333	
PHONE 907-772-3419		PHONE				
EMAIL pccen1@gmai	l.com	EMAIL				
PROPERTY INFORMATION			No part of the last			
PHYSICAL ADDRESS or LEGAL I				PROFESSION NO. 100 PROFESSION NO.		
US Survey 1252	Lots 3, 4, 5, 6 Blo	ck 66				
PARCEL ID: 01-006-125;	;-127;-149;-155	ZONE: Single Fa	mily Residential	OVERLA	Y: N/A	4
CURRENT USE OF PROPERTY:	Vacant			LOT SIZE	=: 500C	sf each
PROPOSED USE OF PROPERTY	(IF DIFFERENT):					
Childcare facilitie	s and required p	arking lot				
CURRENT OR PLANNED SEWER	SYSTEM: Municipal D	EC-approved on-	site system			
CURRENT OR PLANNED WATER	COLIDCE: VINAuniainal	C' - ID CO !!		II		
LEGAL ACCESS TO LOT(S) (Stree	^{et Name):} Dolphin Stre	et and 5th	Street	80		
TYPE OF APPLICATION & BASE	FEE					
19.84 Zoning Change (\$100)						
18.18 Record of Survey (\$50)) (Note: No Public Notice Fee	2)	12			
☐ 18.20 Minor Subdivision/18	.24 Preliminary Plat/18.19 Re	plat (\$75 + \$10 p	er lot)			
18.24 Final Plat (\$25 per lot			-			
SUBMITTALS:						
For Zoning Change, please subr	nit letter stating the new zon	ing and explainin	ng the need for	the chan	ge.	
For Subdivision approvals, plea SIGNATURE(S):	se subiffit a prepared plat ma	ip as required by	borough code			
I hereby affirm all of the inform	nation submitted with this an	nlication is true a	and correct to t	ho host s	f and land	
also affirm that I am the true ar	nd legal property owner(s) or	authorized agen	t thereof for th	ne proper	ty subject	owiedge. I
also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein. Applicant(s):						
	U			1		,
Owner:			Date:			
Owner:			Date:			
Owner:)	17-1	7171	



Petersburg Children's Center Eagle's Nest P.O. Box 138 Petersburg, AK 99833 (907)772-3419 Fax (907)772-3452 pccen1@gmail.com

The mission of the Petersburg Children's Center is to promote the healthy development of children and families in Petersburg by offering dependable, high-quality child care and by actively working toward the positive growth and development of all children in the community.

Petersburg Children's Center PO Box 138 Petersburg, AK 99833 907-772-3419

Dear Planning and Zoning Committee,

The Petersburg Children's Center is planning for a new building on the site of their current parking lot and the building of a new parking lot across the street from the Children's Center building. There is an existing lease between the Petersburg Children's Center and the City of Petersburg for Lots 3, 4, 5, 6 Block 66, US Survey 1252 for childcare related facilities and activities. Reviewing the status of the land in question with the Borough staff it was determined that the zoning of Lots 3, 4, 5, 6, Block 66, currently is Single Family Residential.

The Petersburg Children's Center is requesting to change the zoning of Lots 3, 4, 5, 6, Block 66, from Single Family Residential to Public Use, so that the zoning will match the intent of the existing lease between the Petersburg Children's Center and the Petersburg Borough. We would also like to point out that the Petersburg Childcare Task Force has discussed the positive potential of the lots for future childcare facilities. The Petersburg Children's Center is also submitting a conditional use permit for Lot 4, of Block 66, for the construction of a parking lot to replace the loss of their current parking lot to the proposed after-school childcare facility. The rezoning of the land in question will also strengthen the grant applications that we will be submitting, eliminating any potential questions with mismatched documentation.

Thank you for your consideration.

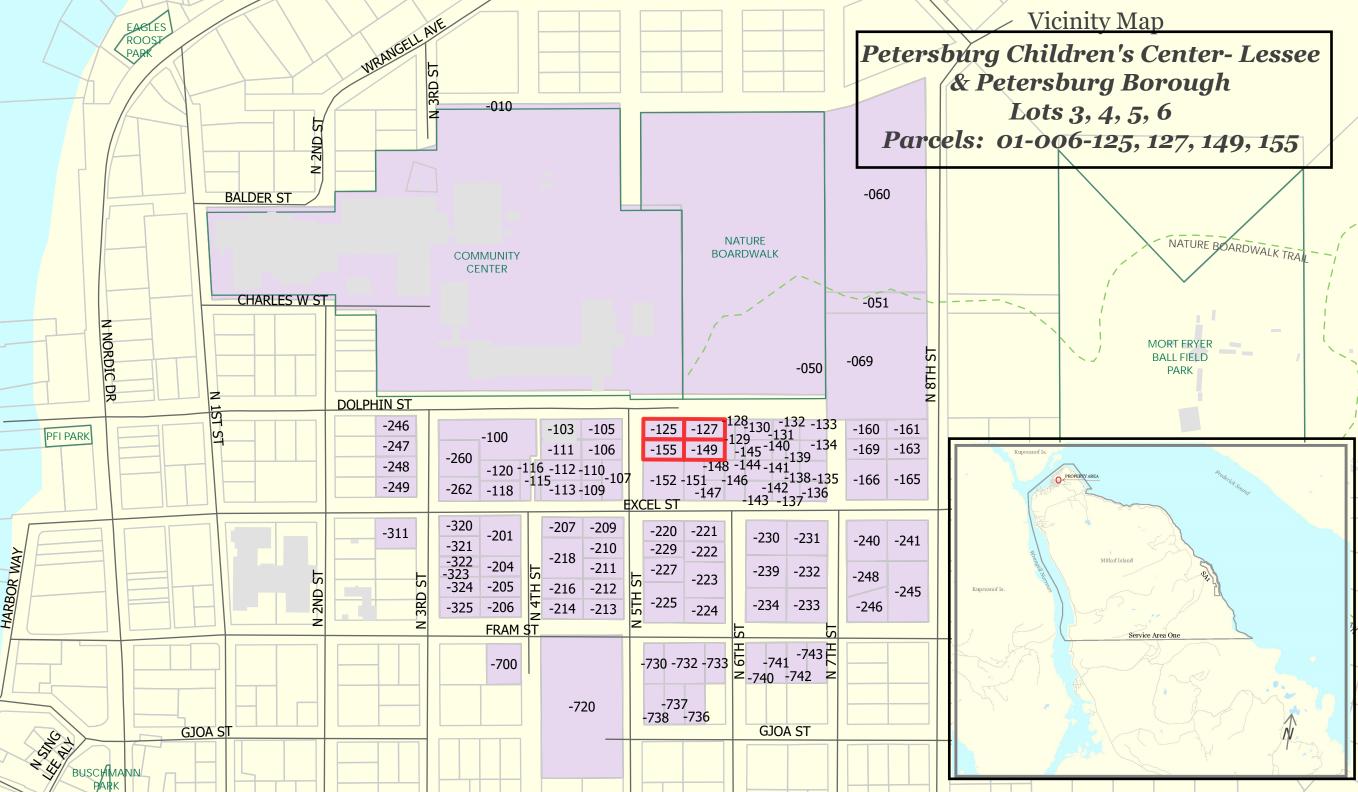
Sincerely,

Sharlay Mamoe

Executive Director

Sharlay Mamoe

Petersburg Children's Center





February 20, 2024

ABBOTT THOMAS HART ELIZABETH PO BOX 1617 PETERSBURG, AK 99833-1617

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

An application from the Petersburg Children's Center for a conditional use permit to allow parking spaces to be on a lot within 500' of the use at 306 N 5th ST. (PID: 01-006-125) also, to rezone Lots 3,4,5, and 6 from single-family residential to public use at the corner of N 5th and Dolphin Streets (PID: 01-006-125, -127, -149, -155).

consideration of the	Tuesday, March 12 th 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.		
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.			

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION			
By Mail:	PO Box 329, Petersburg, Alaska 99833		
By Email:	acaulum@petersburgak.gov		
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.		

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera,

Community & Economic Development Department

DIRECT PAY	Name1	Name2	Address1	City	State	Zip
MARIETON	CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
MATERION	HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
DENNESSEN	SALLY DWYER		PO BOX 1788	PETERSBURG	AK	99833-1788
	JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
MARIETTA DAVIS	JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
MARSON THOMAS	PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
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WILKINSON TIM WILKINSON RAE PO BOX 895 PETERSBURG AK 99833-0895		WELLNER JENNIFER				
WRIGHT CHADWICK C JOHNSON SARAH A PO BOX 1956 PETERSBURG AK 99833-1956						
	WRIGHT CHADWICK C	JUHNSUN SAKAH A	PO BOX 1956	PETEKSBURG	AK	99833-1956

Record in the Petersburg Recording District

LAND LEASE

THIS AGREEMENT is made on the date last below signed between the City of Petersburg, a municipal corporation organized and existing under the laws of the State of Alaska, whose mailing address is P. O. Box 329, Petersburg, Alaska 99833, hereinafter referred to as the "Lessor" or "City", and the Petersburg Childhood Education Center Board of Directors, a non-profit organization organized and existing under the laws of the State of Alaska, whose mailing address is PO Box 1793 Petersburg, Alaska 99833, hereinafter referred to as the "Lessee."

RECITALS

WHEREAS, the real property subject to this lease lies within the boundaries of the City of Petersburg, Alaska, First Judicial District, Petersburg Recording District; and

WHEREAS, Lessor holds title to the real property; and

WHEREAS, the real property subject to this lease has been assessed for true and full value in the amount of \$75,000.00 prior to the date fixed for the beginning of the term of this lease; and

WHEREAS, on June 7, 2004 the City Council passed Resolution #1746 determining this particular tract of land is not required for municipal purposes; shall be exempt from public auction and leased for a period of five years for the construction of The Childhood Education Center; and

WHEREAS, the Childhood Education Center is a non profit entity as defined by the Petersburg Municipal Code, and

WHEREAS, this lease contains restrictions and reservations as are necessary to protect the public interest.

NOW THEREFORE, in consideration of the mutual covenants and conditions of this lease the parties agree as follows:

ARTICLE 1 - Description of Premises

<u>Section 1. Description.</u> Lessor hereby leases to Lessee the "premises," designated as Lots 3, 4, 5 & 6 of Block 66, US Survey 1252, in the City of Petersburg, Alaska.

ARTICLE 2 - Term of Lease

<u>Section 2.1 Term.</u> The term of this lease shall extend for a period of five (5) years, commencing on August 1, 2004 and ending at midnight on July 31, 2009.

<u>Section 2.2 Renewal.</u> This lease may be renewed on new terms and conditions upon written mutual consent by the Lessee and Lessor.

ARTICLE 3-Rent

<u>Section 3. Rent.</u> Lessee shall pay to Lessor rent for the premises at the annual rate of \$1.00 (One Dollar and 00/100) per year.

ARTICLE 4-Use of Premises

<u>Section 4.1 Use of Premises</u>. The premises are to be used only for the development, construction and operation of a community child learning center with emphasis on providing learning facilities and opportunities for the children of Petersburg aged twenty and under.

Section 4.2: Compliance with Law. Lessee shall comply with all, laws, regulations and rules that apply to the leased premises.

Section 4.3: Uses Prohibited. Lessee shall not use, or permit the premises, or any part of it, to be used for any purpose other than the purpose for which the premises is leased. No use shall be allowed which may be considered hazardous on account of fire or otherwise. Lessee shall not allow any nuisance to occur or remain on the premises and shall not use or occupy the premises for any unlawful purpose. Any use not authorized by this lease shall be a trespass against the Lessor.

<u>Section 4.4: Utilities</u>. Lessee shall fully and promptly pay all costs associated with public services built, installed and used by Lessee, for example, power and any other utilities of any kind furnished to the premises throughout the term of this lease, and all other similar costs and expenses of any kind, arising from the use, operation and maintenance of the premises and all activities conducted on the premises.

<u>Section 4.5: Location of Improvements.</u> Lessee shall be responsible for properly locating improvements on the leased land. Utilization or development for other than allowed uses shall be a violation of this lease and subject to lease cancellation.

