

wasting. Residential and undeveloped properties are adjacent. Windsor asked if there are plans for further development of Davidoff Street. Bosak stated that there are no such plans at this time. Staff recommend postponement until a geotechnical analysis can be conducted. Hughey stated that a vacation of the street could result in a safer placement for the proposed house. Spivey asked if the vacation is feasible. Scarcelli stated that he does not want to speculate, but the applicant could pursue the process if he wishes.

Sam Smith stated that this is one of the last few undeveloped view lots in town. Smith stated that test holes have been dug. Smith stated that he is pursuing quotes for geotechnical analysis. Smith stated that he believes the geotechnical analysis is in the purview of the Building Department, and if he built within the setbacks he would not be going through the Planning Commission process. Parmelee asked about the engineer, and Smith stated that he is working with Ryan Wilson. Parmelee stated confidence in Wilson's work. Smith stated that he plans to buy the lot and build on it for himself. Hughey asked if Smith is interested in vacating the right of way, and Smith stated that he didn't believe the adjacent owner would be interested. Hughey asked about the time frame. Smith stated that he would like to develop in the spring. Smith stated that he would work on attaining the geotechnical analysis. Scarcelli stated that the Building Department will require a geotechnical analysis regardless of the variance process.

Conner Nelson stated that the landslide was not a natural slide, so he does not believe a geotechnical analysis will help.

Spivey stated that geotechnical is under Building's purview, but would help in making the variance decision. Parmelee stated his preference to approve with the condition of approval that the geotechnical analysis meets Building's requirements. Spivey asked if the commissioners believe that they have enough information to make a decision. Parmelee stated that no neighbors have submitted comments. Windsor asked if Hughey has a conflict of interest with the Sitka Community Land Trust because of the organization's property. Hughey stated that he does not believe he has a direct conflict of interest. Bosak stated that it is the board's job to consider public health, safety, and welfare.

Hughey/Parmelee moved to POSTPONE until geotechnical analysis is completed and submitted.

Motion PASSED 4-0.

I

Public hearing and consideration of a conditional use permit request for marijuana retail at 4612 Halibut Point Road, in the C-2 general commercial and mobile home zone. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Scarcelli clarified the applicant and address for the record. The commission granted a permit for marijuana cultivation at 4614 Halibut Point Road. The proposed retail would be in an under-construction structure at 4612 Halibut Point Road. The property is not within 500 feet of sensitive uses. This new industry can be expected to bring revenue to the community. Staff recommend approval. Spivey clarified if staff support approval without a parking plan.

Scarcelli stated that he believes the property will have enough parking, and a plan is a condition of approval. Parmelee stated that he has not known there to be parking issues in the vicinity.

Eric Van Cise and Conner Nelson represented the application. Nelson stated that there is a lot of parking on site. Nelson stated interest in buying some of the state right-of-way for parking in the future. Spivey stated that the packet is thorough. Parmelee asked about parking. Nelson and Scarcelli stated that parking seems to be available. Windsor asked about on-site consumption. Van Cise stated that there is a consumption area indicated on the second story with retail on the first story.

Spivey asked to clarify if parking can be a condition of approval. Scarcelli stated yes. Windsor stated that he believes it's a good idea.

Windsor/Hughey moved to APPROVE findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

Motion PASSED 4-0.

Windsor/Hughey moved to APPROVE the conditional use permit request filed by Green Leaf, Inc. for marijuana retail at 4612 Halibut Point Road, in the C 2 General Commercial and Mobile Home zone subject to the attached conditions of approval. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The owners of record are Connor K. Nelson and Valerie L. Nelson.

**Conditions of Approval:**

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school



grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The applicant shall provide the Planning Commission with a report after one year of operation.

12. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve any issues, impacts, or review conditions of approval related to meritorious issues connected to the Public's health, safety, and welfare.

13. Hours of Operation shall comply with the submitted application.

**Motion PASSED 4-0.**

**J**

Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of a house. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Pierson explained the request. The applicant seeks to construct a home on this undeveloped parcel. The parcel is wetlands. Shennet Street is not fully developed, and only 503 and 504 Shennet Street use this street for access. The applicant seeks a 5 foot front setback and to provide no parking on the lot. The applicant proposes to park on an undeveloped portion of the street, and intends to seek an encroachment permit from the municipal Public Works Department. The variances would help to preserve the wetlands environment by reducing required fill on the lot. Staff recommend approval.

Jonathan Kreiss-Tomkins stated that Shennet Street is 40 feet wide. The road is built toward the 504 Shennet Street side. The driveway shown in packet photos is all on the city's property. The intent is to park on the undeveloped city property rather than filling in the wetlands. Kreiss-Tomkins clarified that the structure would be approximately 30 feet from the actual street. Hughey asked if there are other access points to the BIHA property at the end of Shennet Street. Kreiss-Tomkins states that he believes there are several access points to the large parcel. Hughey asked if parking could be developed if Shennet is fully developed. Kreiss-Tomkins stated that it is possible to dump gravel in, and he is willing to take appropriate steps if any encroachment permits are revoked.

Spivey stated that he would not necessarily classify Shennet Street as a street. Spivey stated that he is typically uncomfortable with 5 foot setbacks. Scarcelli clarified that BIHA owns the large parcel. Bosak and Hughey stated that the lot has multiple access points. Hughey stated that he wishes he could see the whole plan for the property. Bosak stated that the variance could be approved apart from the conditional use permit for the accessory dwelling unit. Spivey stated that he is not convinced that a setback variance is needed.

Kreiss-Tomkins apologized for the quality of the drawings. He stated that he can kayak the property after a rain event, and the entire parcel is considered wetlands. The house will be built on piers. Kreiss-Tomkins stated that the placement with the requested variance would provide space between an existing structure to the rear. Windsor stated that it seems the structure could