



# CITY AND BOROUGH OF SITKA

## Minutes - Draft

### Planning Commission

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Wednesday, February 2, 2022

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Stacy Mudry, Wendy Alderson, Katie Riley  
Absent: Darrell Windsor  
Staff: Amy Ainslie, Ben Mejia  
Public: Andrew Foss, Diane Foss, Sierra Larson, Amy Karn, David Thomas, Ben Lawrie

**Chair Spivey called the meeting to order at 7:04pm.**

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

A [PM 22-03](#) Approve the January 19, 2022 meeting minutes.

**M-Mudry/S-Riley moved to approve the January 19, 2022 meeting minutes.  
Motion passed 4-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that the short-term rental annual reports had been sent to permit holders on January 21 and that staff anticipated presenting results at the March 2nd meeting. Ainslie notified the Commission that the Assembly had reviewed the Short-term Tourism Plan on January 25 and first reading of supplemental appropriation for all but street closure related items. Ainslie explained that the plan would be reviewed by the Assembly on February 8th for adoption.

Ainslie explained that the appeal of the Planning Commission decision on CUP 21-19 had been denied by the Assembly with the understanding that the applicant would reapply to the Planning Commission.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

B [VAR 22-03](#) Public hearing and consideration of a variance request for a front setback reduction from 14' to 4' at 101 Metlakatla Street in the R-2

Multifamily district. The property is also known as Lot 11, Block 1 of the Mission Plat. The request is filed by Andrew Foss. The owners of record are Andrew and Diane Foss.

Ainslie introduced the item as a variance request to reduce the front setback from 14' to 4' at 101 Metlakatla Street. Ainslie explained the structure was constructed in the early 1900's and predated the zoning code. Ainslie noted that the foundation of the structure was 11.5' from the front property line and that the existing deck encroached into the right-of-way. Ainslie explained that a deck was needed to enter the home from the front door and that the bare minimum reduction to the setback that would meet building code requirements would be 8.5' from the property line.

Ainslie explained that the lot had been developed as a duplex and that the proposed improvements to the property would improve the use of parking as well as pedestrian safety. Staff recommended approval.

The applicants Andrew and Diane Foss were present and had no additional comments to make to the Commission. The Commission excused the applicant.

The floor was opened for public comment. No public comment was provided.

The Commission voiced their approval of the proposal.

**M-Riley/S-Alderson moved to approve the zoning variance for a reduction to the front setback at 101 Metlakatla Street in the R-2 Multifamily subject to the conditions of approval as listed in the staff report. The property is also known as Lot 11, Block 1 of the Mission Plat. The request was filed by Andrew Foss. The owners of record were Andrew and Diane Foss. Motion passed 4-0 by voice vote.**

**M-Riley/S-Alderson moved to adopt and approve the required findings for variances involving minor structures or expansions as listed in the staff report. Motion passed 4-0 by voice vote.**

**C**     [VAR 22-04](#)

Public hearing and consideration of a variance request for an increase to allowable height of principal structures from 40' to 110' at 1332 Seward Avenue in the Public Lands district. The property is also known as Tracts D and E according to Plat 92-19. The request is filed by New Horizons Telecom, Inc. The owner of record is University of Alaska Southeast.

Ainslie introduced the variance request for a structure to exceed the maximum height allowance of 40' to 110' for a cellular tower at 1332 Seward Avenue in the Public Lands district. The applicants have secured a lease with the property owner, University of Alaska Southeast (UAS). The anchor tenant, Verizon Wireless, would like to increase their coverage at the location and the increased height provides additional range for coverage on Japonski Island. Ainslie stated that no significant impact was expected as there was taller than typical development in the area and the proposed location was removed from frequent vehicular and pedestrian traffic. Staff recommended approval.

Mudry asked to pass out printed articles to commissioners. Ainslie explained that this could be done during the public comment period.

Sierra Larson and Amy Karn were present as applicant representatives. Larson explained that they had secured a working agreement with UAS for the lease area as well as clearance from Federal Aviation Administration (FAA). Spivey asked if the tower

would be capable of carrying 5G, whether at the start or later. Larson replied that Verizon did not have any plans to provide 5G at the site at the time and that the tower was currently designed for 4G.

The Commission opened the floor for public comment. Mudry asked to provide the articles to the Commission and staff scanned and emailed the applicants. Mudry summarized the articles as it related to the concerns of 5G and aviation safety.

The Commission voiced their concerns in light of the proximity of the proposed tower and the airport and discussed possibilities to prevent 5G use of the site through conditions. The Commission asked Karn to come forward. Karn explained that 5G was not available in the state of Alaska and that the FAA clearance was based on the use of 4G at the site. The Commission voiced concern that the site may be changed to 5G without public process or approval. The Commission asked staff to research legal methods to place limits on 5G, the heights of existing cellular towers, and requested that this item be postponed to allow staff to increase their notification process to include a wider range of potentially impact parties in the area, particularly those in aviation such as the Coast Guard base, Guardian, and Alaska Seaplanes.

**M-Mudry/S-Alderson moved to postpone consideration until the March 2nd, 2022 meeting to give more time for staff and the applicant to gather information and input from potentially impacted parties in the surrounding area. Motion passed 4-0 by voice vote.**

**D**      [P 21-04](#)

Public hearing and consideration of a final plat for a minor subdivision of the property at 601 Baranof Street in the R-1 Single-Family and Duplex Residential District. The property is also known as Lot 1, Shaffer/Rezek Lot Line Adjustment. The request is filed by David Thomas. The owner of record is David Thomas.

Ainslie introduced the final plat for a minor subdivision of an approximately 54,000 sq. ft. lot into 2 lots at the end of Baranof and Hirst Streets. The resultant lots would be 21,695 sq. ft. and 32,444 sq. ft., well above minimum lot size requirements, each with access to rights-of-way with utilities available at the site. Ainslie explained that the drainage plan has been reviewed and approved by city engineering. Staff recommended approval.

The applicant, David Thomas, was present. Thomas explained his intent to hold lot 1 and sell lot 2. Alderson asked if development of the site required review by the Army Corps of Engineers. Thomas responded that the city engineer had told him this was not necessary. Ainslie replied that subdivision actions did not require Army Corps of Engineers review.

The Commission opened the floor for public comment, none came forward. The Commission voiced approval of the proposal.

**M-Alderson/S-Mudry moved to approve the final plat for a minor subdivision to result in two lots at 601 Baranof Street in the R-1 single-family and duplex residential district subject to the conditions of approval as listed in the staff report. The property was also known as Lot 1, Shaffer/Rezek Lot Line Adjustment. The request was filed by David Thomas. The owner of record was David Thomas. Motion passed 4-0 by voice vote.**

**M-Alderson/S-Mudry moved to adopt the findings as listed in the staff report.  
Motion passed 4-0 by voice vote.**

**E**      [MISC 22-03](#)

Discussion of application process for short-term rentals on boats in public harbors.

Ainslie introduced the item as discussion on the public notice process with regards to short-term rentals in public harbors. Ainslie explained the application and notification policies. Ainslie explained that the application was first reviewed by the Ports and Harbors Commission before going to the Planning Commission where notice was mailed approximately 12 days before the meeting date to all slip holders on the finger of the proposal. Ainslie explained that the Code specified a notice window of 5-20 days before the meeting date. Commissioners expressed that 20 days did not feel sufficient time for notice, particularly for slip holders who may be away due to the seasonal nature of their work.

Riley asked if alternative communication was available such as email or text. Ainslie replied that she would follow up with the Harbor Department. Alderson suggested expanding notices beyond one finger as potential impacts were not isolated to the finger alone.

The Commission opened the floor for public comment. Ben Lawrie expressed his feeling that even 20 days notice was insufficient and that code change may be necessary. Lawrie also stated that all slip holders in the harbor should be notified, not limited to the finger. Lawrie voiced his sentiment that short-term rentals should not be in harbors.

Spivey expressed that some level of impact to parking and traffic should be considered for such applications and asked that further discussion on short-term rentals in public harbors be scheduled.

**No motion made.**

**VIII. ADJOURNMENT**

**Seeing no objections, Chair Spivey adjourned the meeting at 8:48pm.**