



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Mark Gorman, Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planning and Community Development Director *MB*

Subject: Clayton- Short-term rental Conditional Use Permit

Date: May 4, 2015

The Planning Commission is recommending approval of a conditional use permit request for operation of a short-term rental filed by Ali Clayton at 1601 Davidoff Street. Action on this item was taken at the April 21, 2015 Planning Commission meeting. The recommendation to approve the request with conditions, based on the following findings, passed unanimously 5-0.

Ms. Clayton is requesting a conditional use permit to operate a year round short term rental. Guests will provide their own transportation and meals. The short term rental will be available for up to six guests and will only occupy the top floor of the house at 1601 Davidoff Street. The home has been in the family for a long time and the applicant is hoping to purchase it. The applicant will be the manager for the property. 1601 Davidoff is a large lot and there are ample parking opportunities.

One neighbor comment was received and discussed at the Planning Commission meeting. It is included in your packets for consideration.

The residential single-family and duplex residential district, R-1, is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

The proposed activity is in conformance with Comprehensive Plan 2.5 *Urban Residential Goals and Policies* specifically 2.5.2 *To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.*

Recommendation:

Approve the recommended request with the following conditions and findings.

MOTION: M/S POHLMAN/WINDSOR moved to approve findings and conditions.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 4-1** on a voice vote.



Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff

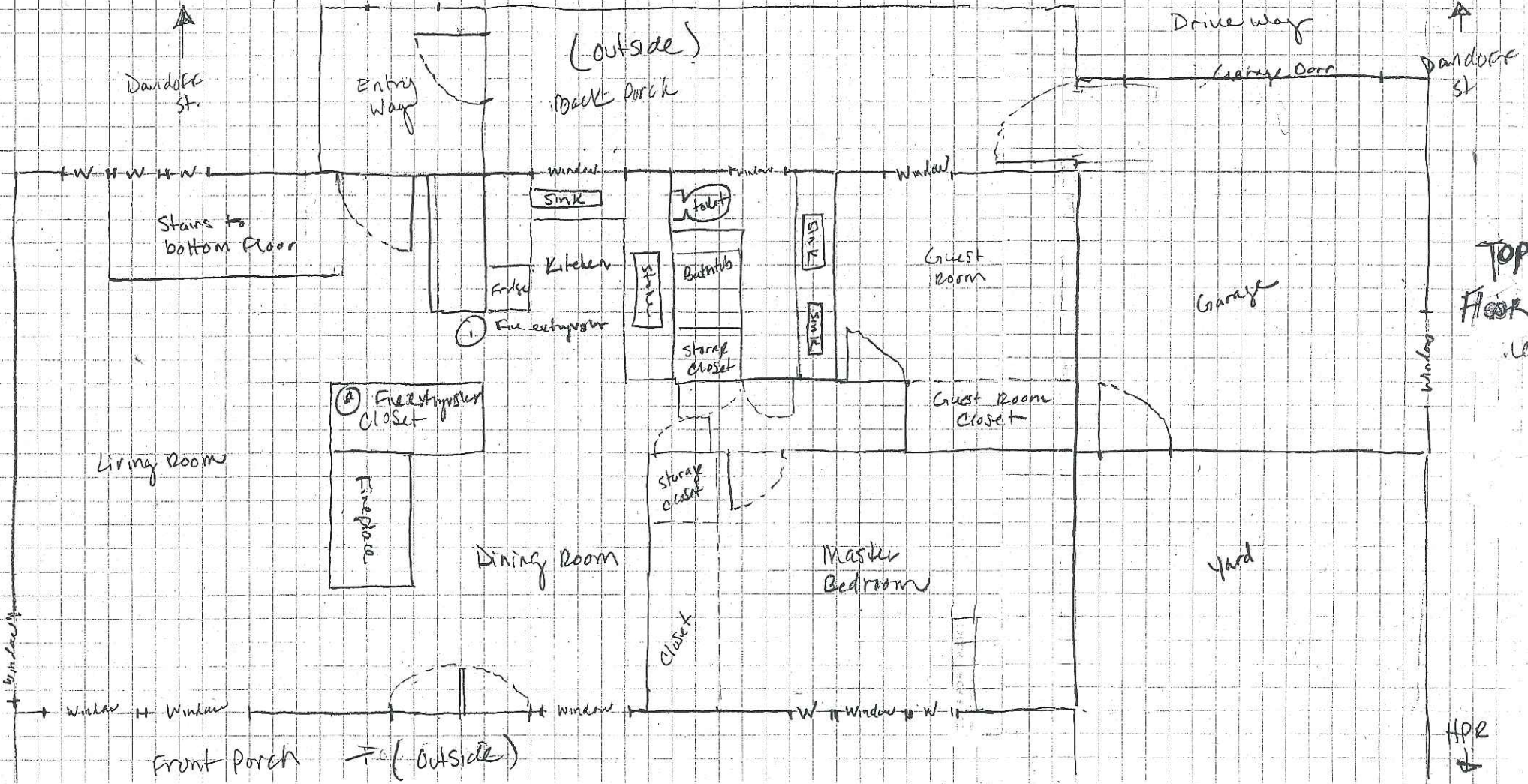


Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff



Clayton

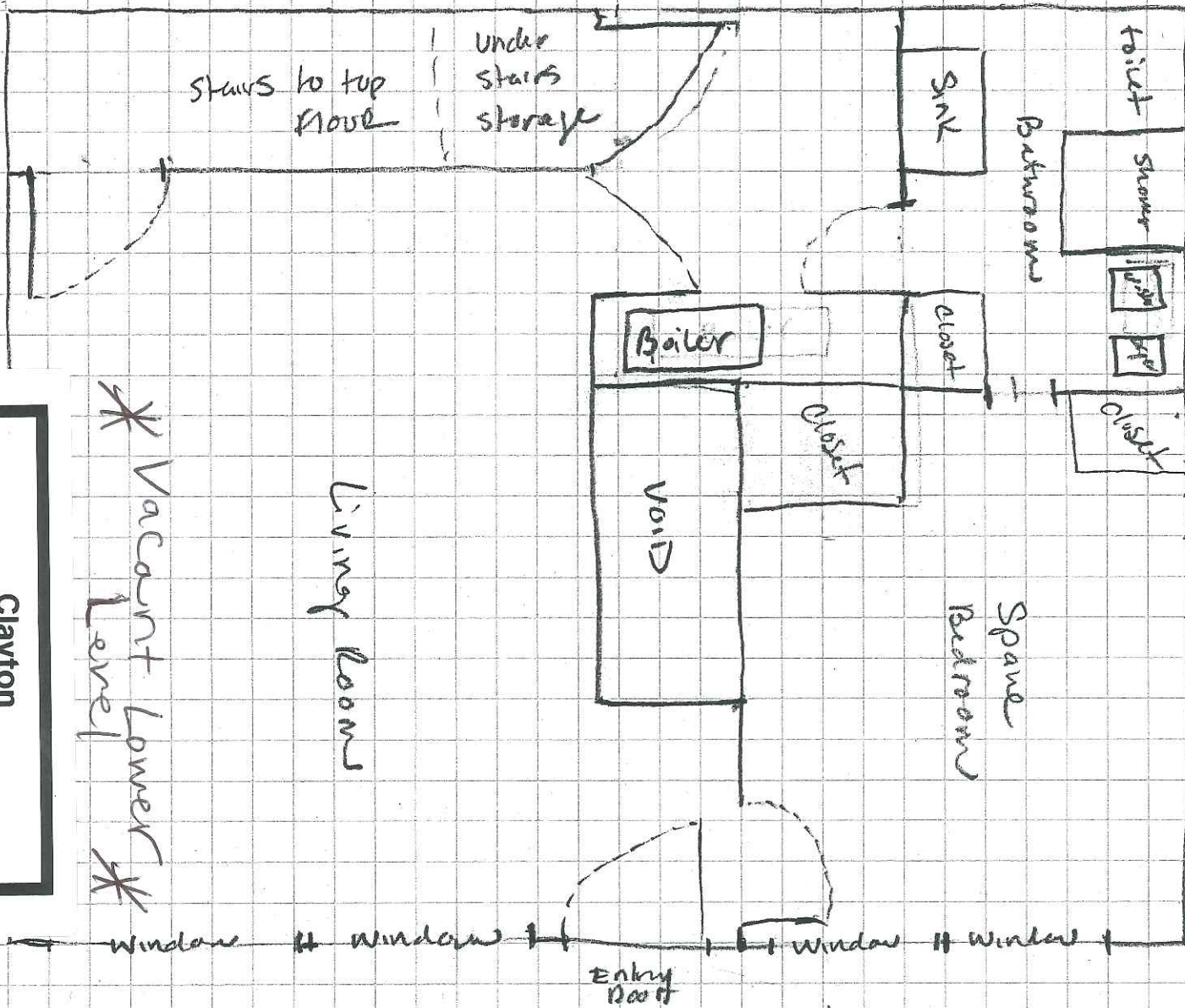
Short-term Rental Conditional Use Permit
1601 Davidoff



This level is the
 top level will
 not be used
 for the term
 short-term
 rental

Clayton
 Short-term Rental Conditional Use Permit
 1601 Davidoff

Dandoff St ↑



Unused
Bottom floor
Kerr House
1601 Dandoff St

Clayton
Short-term Rental Conditional Use Permit
1601 Dandoff

* Vacant Lower Level *

HPD ↓

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST APPLICATION

Short-Term Rental Fee	\$100.00
Bed & Breakfast Fee	\$ 35.00
(per Guestroom)	
* plus current city sales tax *	

APPLICANT'S NAME: Ali Clayton
PHONE NUMBER: 907.738.3401
MAILING ADDRESS: _____

OWNER'S NAME: Paula + Steve Clayton
(If different from applicant)
PHONE NUMBER: 907.747.8236
MAILING ADDRESS: _____

PROJECT ADDRESS: 1601 Davidoff
LEGAL DESCRIPTION Lot: 187 Block: 9
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

State all reasons for justifying request: I want to operate a short-term rental in the proposed property.

Describe how the facility will be operated, what meals will be served, and how guests will be transported. (This information may be provided on a separate sheet).

The facility will be operated as a short-term rental for the summer season. Guests. No meals apply. Total of 10 guests.
Only occupy the top floor - bottom floor will not be rented.

Anticipated start date: As soon as possible, hopefully in time for summer, so around around May.

Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff

What months of the year the facility will be in operation: Mainly Summer

Drawing of the **interior** layout showing:

1. Size and location of rooms
2. Types of facilities in the rooms
3. Windows and exits
4. Location of smoke alarms and fire extinguishers
5. Guestrooms specifically delineated on the plans

See attached

Drawing of the **exterior** site plan showing:

1. Dimensions of the home
2. How the house sits on the lot
3. Location of parking

See attached

Check if facility is not fully constructed at the time of the application

Check if Life Safety Inspection has already been completed. If not, please contact the Building Department at 747-1832 to schedule an appointment. This Inspection is to certify that the residence complies with life and fire safety code aspects.

? Was
Long-term
is going to
short term
Had L4

Bed and Breakfast applicants shall be aware that only limited cooking facilities such as small toaster ovens, microwaves, and refrigerators are allowed and those appliances must be outside of guestrooms.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT:

Ain Clayton

Date:

3.31.15

SIGNATURE OF OWNER:

Paul K. Clayton

Date:

3.31.15

(If different from the applicant)

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit FEE \$100.00
plus current city sales tax

APPLICANT'S NAME: Ali Clayton
PHONE NUMBER: 907.738.3401
MAILING ADDRESS: 102 Sharon Dr. Sitka AK 99835

OWNER'S NAME: Paula + Steve Clayton
(If different from applicant)
PHONE NUMBER: 907.747.8236
MAILING ADDRESS: 102 Sharon Dr. Sitka AK 99835

PROJECT ADDRESS:
LEGAL DESCRIPTION Lot: 1 + 7 Block: 9
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

List specific request: Conditional Use permit to operate a Short-term

State all reasons for justifying request: to ensure that neighbors
will not be burdened due to how the house sits on
the lot. If used previously a long-term rental so
the property is up to code.

List all features and details of request: The house sits on 2 lots
+ the plan is to operate a short-term rental.
There are plenty of parking spaces, so this should
not burden any neighbors.

State the schedule and timing of request: As soon as possible -
Hopefully before the summer.

Please attach drawings, maps, and additional narrative as appropriate.

The applicant must verify, to the satisfaction of the Public Works Department,
that utility lines and services are not under proposed structures.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: Ali Clayton Date: _____
SIGNATURE OF OWNER: Paula Clayton Date: 3.31.15
(If different from the applicant)

*Approval will be based on plans submitted
or approved by the Planning Commission or Assembly*

I am applying for a conditional use permit for a short-term rental. The property is located at 1601 Davidoff Street. It is a two-story, three bedroom, and two bath home with an attached garage. The home totals over 1300 square feet and sits on a lot totaling ~~26978~~ ^{15993 sq ft} square feet.

The top floor consists of two bedrooms, one bathroom and a kitchen and dining room. The bottom floor consists of one bedroom, a bathroom and a living room. Each floor has its own entrance, with the top floor having an additional entrance via the front porch.

My plan is to use the top floor as a short-term rental for the summer months. The property has served as a long-term rental for over 8 years, and passed its inspection prior to use. The inspection passed showing all smoke detectors were functional, all rooms had a direct way to the outside, a mounted extinguisher on site, and hand rails are installed on the back porch and guardrails on the front porch.

The proposed short-term rental is considered one unit, and by code the city requires two parking spots per unit. There will be more than enough parking, totaling five on-site. There is also an additional space in the adjacent garage, one in the Quonset hut and two in the shop, as well as four parking spaces across from the shop, as well as two on the street. The high volume of parking, shows that the property is large and spacious and will have low impact on the neighborhood. See attachment for parking spaces.

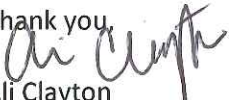
Draw
1st
Parking

The house sits at the top of a drive way, about 145 feet from the street. The neighbor to the right, 1603 Davidoff, sits about 40 feet back from the house. There are two houses to the left, 1511 sits about 25 feet from the house and 1515 sits about 96 feet back. The property is in a very unique location that allows privacy and seclusion. The way the house sits on the property makes your neighbors seem distant and private. Extra vehicles pulling in or out does not affect neighbor's privacy or peacefulness. That being said, by opening a short-term rental in the area, I will have little to no impact on my neighbors.

I believe by having a short-term rental at 1601 should not have any impact or burden on adjacent neighbors. I have spoken to adjacent neighbors and they are in support of myself operating a short-term rental. Each owner is a long-time neighbor and have even occupied those residences when my grandparents lived there over 15 years ago. ~~Attached will you see a document showing the proposed operation with signatures from each property owner showing their support and lack of concern with the proposed idea.~~

I understand that the process for the conditional use permit may take up to 4-8 weeks, however, summer is approaching and the earlier I am able to post the rental would be beneficial for future bookings.

Please contact me if you have any questions.

Thank you,

Ali Clayton
907.738.3401 -Cell
Clayton_7a@hotmail.com

Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff

Al & Signe Wilson
1511 Davidoff Street
Sitka, AK 99835
April 20, 2015

City & Borough of Sitka
Sitka Planning Commission
100 Lincoln Street
Sitka, AK 99835

Dear Sitka Planning Commission members:

This letter is in response to your notification that you are considering a short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. Our family has enjoyed Ali's grandparents, Carl and Alice Kerr, as neighbors for almost 20 years. At times we have worked in concert to improve the adjoining areas of our properties. This was important because our houses are in direct view of each other. During this time, 1601 Davidoff Street has always been a single-family residence. Since the Kerr's passing and Steve and Paula Clayton have assumed ownership usage of the property has changed dramatically. The house has been rented and appears to have been occupied by several different parties at the same time. The large shop building used by Carl in support of his fishing business now appears to be used in support of Steve's construction business. The usage of the shop building and adjacent parking/storage area is much more intense now than was previously. The usage here can only be classified as heavy industrial commercial

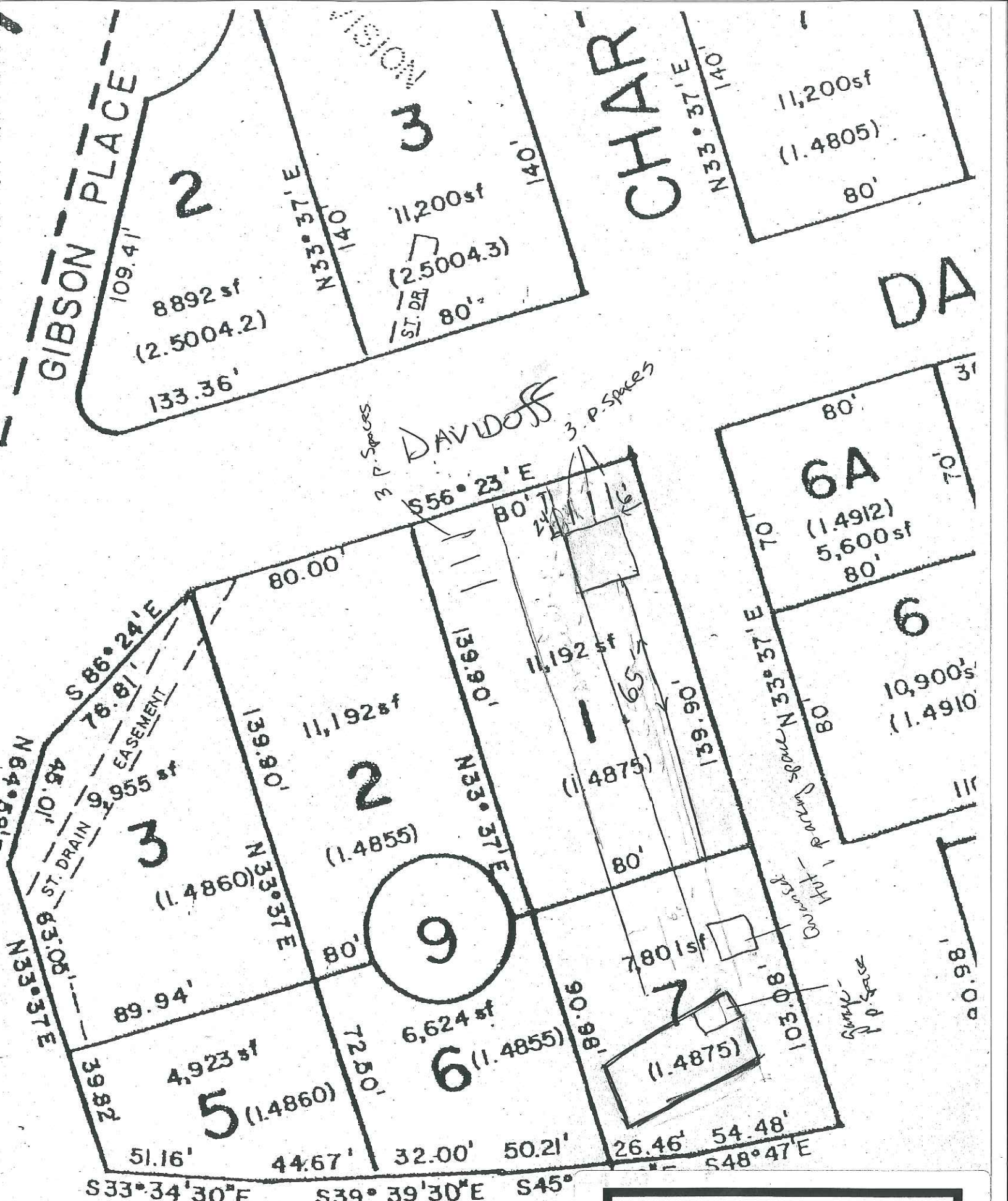
We did not object to a bed and breakfast being created at 1507 Davidoff Street. We are concerned, however, that other short-term rentals are occurring without the benefit of the City's supervision or control. The building at 1515 Davidoff Street now has three street entrances and as many as five cars travel to and from the building daily. About a year ago I took a cab from the airport and as we past 1512 HPR, which lies directly below our house, the cab driver said: "I hate that driveway. The people operate a bed and breakfast there and I take a lot of guests to and from the place. There's no place to turn around in the driveway and each time I have to back out onto HPR where traffic can be heavy at times. It's dangerous." We have never seen any notification of a B&B proposed for operation there.

The point of all of this is because of the creep of industrialization into the Davidoff area the residential character of this neighborhood is changing or has changed dramatically. Until such time as more city control over this area is in effect we must protest the issuance of any new conditional use permits for short-term rentals.

Sincerely,

Al & Signe Wilson

Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff



GIBSON PLACE

CHAR

DA

DAVIDOFF

ST. DRAIN

EASEMENT

Overlaid

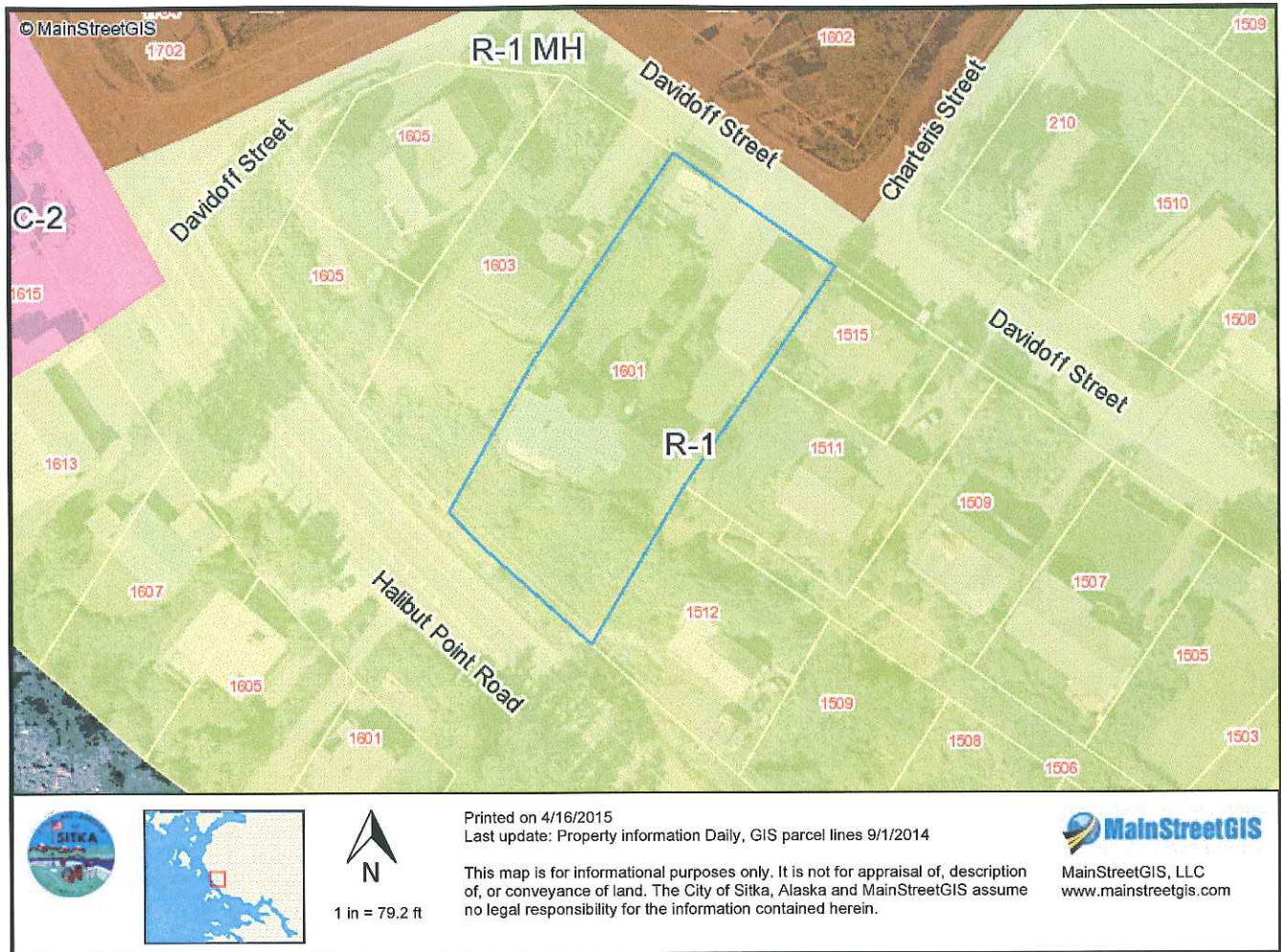
Comp. P. Spaces

3 P. Spaces

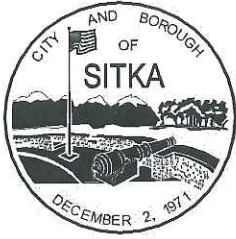
3 P. Spaces

HPR

Clayton
 Short-term Rental Conditional Use Permit
 1601 Davidoff



Clayton
Short-term Rental Conditional Use Permit
1601 Davidoff



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: April 16, 2015

From: Carole Gibb, Planner

To: Planning Commission

Re: Clayton CU 15-06

GENERAL INFORMATION

Applicant: Ali Clayton

Property Owner: Steve and Paula Clayton

Property Address: 1601 Davidoff

Legal Description: Lots 1 and 7, Block 9, Northwest
Addition U.S. Survey 3303B

Parcel ID Number: 14875000

Size of Existing Lot: 18,993 sq. ft.

Zoning: R1

Existing Land Use: Residential

Utilities: City water, sewer, electric

Access: Direct from Davidoff Street

Surrounding Land Use: Residential

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion

Attachment D: Application
Attachment E: Site Plan
Attachment F: Subdivision Plat
Attachment G: Zoning Map
Attachment H: Mailing List
Attachment I: Proof of Payment
Attachment J: Warranty Deed

PROJECT DESCRIPTION

The applicant plans to operate a short-term rental during the summer in a residence owned by Steve and Paula Clayton. No meals are planned, and a total of 6 guests will be booked.

The house is on a 2-lot parcel (18,993 sq. ft.). There is a long wide drive accessing the property from Davidoff St. which passes adjacent to a shop building close to Davidoff St., and extends more than 100 feet west toward the house, which overlooks Halibut Point Road from a high cliff.

The house is a 1300 sq. ft., two-story, three bedroom, two bath home with an attached garage. The applicant plans to use only the top floor, which has two bedrooms, one bath, a kitchen and dining room. The top floor is primarily accessed from the Davidoff side of the house, but there is a second entry from a porch on the Halibut Point Road side. The lower level will remain vacant, and neither the owners, nor Ali Clayton plan to reside on the property.

The neighboring residences on either side are at different elevations, and are both set closer to Davidoff Street, giving the Clayton property a measure of privacy.

With only two parking spaces required per residential dwelling in this zone, and because the house is a single-family dwelling, there is more than adequate parking area.

22.16.040 R-1 single-family and duplex residential district.

A. Intent. The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

1. This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

2. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

BACKGROUND

The home has functioned as a long-term rental for the past 8 years.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Single family home will be used as a short-term rental when family is away. Impact is the same as when owners are present.

b. Amount of noise to be generated and its impacts on surrounding land use: Same amount of noise to slightly more as property will remain residential but visitors/guests will be on vacation.

c. Odors to be generated by the use and their impacts: No additional odors.

d. Hours of operation: Vacation rental primarily during the summer months.

e. Location along a major or collector street: Not located on major or collector street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No cut through traffic scenario will be created.

g. Effects on vehicular and pedestrian safety: No effects.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as if home was only single family.

i. Logic of the internal traffic layout: There is plenty of room on the property for vehicle access and parking.

j. Effects of signage on nearby uses: No effect. No signage proposed.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The site has a measure of privacy due to some greenery and the site placement of the house and neighboring houses.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms with Comprehensive Plan Section 2.5.2 *To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas, and to: 1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

m. Other criteria that surface through public comments or planning commission review:

- **Parking:** CBS code 22.20.100 requires two spaces. *1. Residential Uses. For each dwelling unit up to and including four-family buildings: two parking spaces per unit. For five-unit buildings and above: one and one-half spaces per unit. Each dwelling unit must have parking spaces independently accessed.*

- **Habitat:** Existing building- no habitat will be affected by the Applicant's proposal.
- **Property value or Neighborhood harmony:** There is no evidence to suggest that this use will have an impact on surrounding property values. It will increase the value of the proposed structure.

FINDINGS

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or

extending public utilities in establishing conditions under which the conditional use may be permitted;

3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit with the following conditions:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
April 21, 2015

Present: Richard Parmelee, (Chair) Chris Spivey (Vice Chair), Debra Pohlman (Member), Darrell Windsor (Member), Randy Hughey (Member), Carole Gibb (Planner I), Maegan Bosak (Planning & Community Development Director)

Absent: None

Members of the Public: Lois Rhodes, Chris Bryner, Mark Hackett, Ron Phelps via phone, Annie Phelps, Steve Clayton, Ashley Moore, Chris Bryner, Chris Balovich, Scott Bowen, George Eliason, Scott Brylinski, Robert Riggs, Cliff Richter, Jeremy Twaddle, Todd Fleming

Chair Parmelee called the meeting to order at 7:01 p.m.

Roll Call:

PRESENT: 5 – Parmelee, Spivey, Pohlman, Windsor, Hughey

Minutes from the April 7, 2015 meeting:

MOTION: M/S SPIVEY/HUGHEY moved to approve the meeting minutes for April 7, 2015.

ACTION: Motion **PASSED unanimously 5-0** on a voice vote.

The evening business:

ACCESSORY DWELLING UNIT CUP
707 LAKE STREET
PHYLLIS HACKETT

Public hearing and consideration of a proposed ADU (Accessory Dwelling Unit) conditional use permit requested by Phyllis Hackett at 707 Lake Street. The property is also known as Lot 21, Block 11, Sirstad Addition No. 2. The owners of record are Mark and Phyllis Hackett.

STAFF REPORT: Bosak explained the role of Findings in supporting any Commission decision, and the two options the Commission had regarding this case, one being that the Commission could make findings regarding their motion from the April 7 meeting to not

recommend approval of the ADU permit at 707 Lake Street or they could vote to rescind that motion and open the item up for further discussion and public comment. Additional neighborhood comments had been received by the Planning Office since the April 7th meeting, and those would be heard as well as further comments from the applicant and the public present at this April 21 meeting, if the vote was rescinded and further discussion was allowed.

MOTION: M/S HUGHEY/WINDSOR moved to rescind the motion on April 7, 2015 that recommended denying the accessory dwelling unit conditional use permit.

DISCUSSION: HUGHEY said he asked to rescind the motion to allow for additional discussion. Windsor asked if this motion to rescind failed, they can proceed to findings for denying the permit.

ACTION: Motion FAILED 3-2 on a voice vote.

FINDINGS: The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;

MOTION: M/S SPIVEY/HUGHEY moved to approve that these findings can be met.

DISCUSSION: Spivey had a concern about enforcement issues and felt that a tri-plex created a general welfare and safety issue.

Hughey disagreed, pointing out that although the ADU allowed three units on the property, having the owner live on the property would help mitigate any issues neighbors might have with the property compared to an unsupervised duplex.

Spivey observed that the homeowner stated she will not necessarily live there.

There was a procedural clarification with staff that additional conditions such as making it owner-occupied could not be placed on the permit at this point.

ACTION: Motion PASSED 4-1 on a voice vote.

b. Adversely affect the established character of the surrounding vicinity, specifically that this ADU continues residential use of the site and that the small size of the structure is limiting; nor

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Windsor felt that public comment presented at the last meeting showed that the neighbors objected to this third dwelling unit being allowed on an R1 property.

Pohlman said it did appear there were issues with the third unit, the impact on parking, and the location of the driveway on Lake St.

ACTION: Motion FAILED 1-4 on a voice vote.

c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; specifically that there will be no building or structural changes. The unit is already present on the property.

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey said again the problem was that adjacent property owners are objecting to allowing an additional dwelling.

ACTION: Motion FAILED 0-5 on a voice vote.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation; specifically *2.3.8 To seek out ways to make housing more affordable for all Sitkans through various measures including; A. Developing more affordable housing opportunities, including single family homes and multi-family dwellings.*

MOTION: M/S POHLMAN/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion PASSED 4-1 on a voice vote.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; specifically condition placed that states a public

hearing may be scheduled at any time following the first year of operation for the purpose of resolving issues and mitigating adverse impacts on nearby properties.

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey said he believes enforcement to be an issue. Parmelee agreed that enforcement could be a problem.

ACTION: Motion **FAILED 0-5** on a voice vote.

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

MOTION: M/S WINDSOR/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Pohlman expressed concerns about questions raised by neighbors about parking and how during certain times of the day, Lake Street can be very busy. Bosak clarified that staff had measured parking spaces and had determined there were nine full sized spaces, and after revisiting the site to measure again, found at least ten spaces. Windsor asked if that was even with the boat on the property and the spaces it took up. Staff confirmed there was sufficient parking. Pohlman clarified that she now understands that the parking is adequate, but she is concerned about access and egress.

ACTION: Motion **PASSED 3-2** on a voice vote.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

MOTION: M/S POHLMAN/SPIVEY moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section. Staff felt that applicant met the burden of proof in their application as defined by code.

MOTION: M/S SPIVEY/ POHLMAN moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.

The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;

MOTION: M/S POHLMAN/SPIVEY moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

MOTION: M/S SPIVEY/POHLMAN moved to approve that these findings can be met.

DISCUSSION: Spivey stated traffic volume and flow is a problem, as well as enforcement regarding the number of persons living on the property, and amount of noise could be a potential problem.

ACTION: Motion **FAILED 0-5** on a voice vote.

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

MOTION: M/S SPIVEY/WINDSOR moved to approve that these findings can be met.

DISCUSSION: None

ACTION: Motion **PASSED 5-0** on a voice vote.

**SHORT TERM RENTAL
413 BARANOF STREET
TIFFANY AND CHRIS BRYNER**

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

STAFF REPORT: After describing the request, Bosak noted that there were some neighbor inquiries to ask whether the separate outbuilding in the back of the house would be used for rental space and the Bryner's have clarified that it will not be used.

APPLICANT: Chris Bryner explained that he and his wife travel in the summer, and they would like the option of renting their house out as a short-term rental while they are gone. He will have a neighbor acting as a manager in their absence, and they will seek renters who will utilize the house for a week or two at a time, to minimize the number of turnovers.

COMMISSIONER DELIBERATION: Commissioners had no concerns.

PUBLIC COMMENT: None

MOTION: M/S SPIVEY/POHLMAN moved to approve the findings.

FINDINGS

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street

parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

ACTION: Motion **PASSED 5-0** on a voice vote.

MOTION: **M/S SPIVEY/WINDSOR** moved to recommend approval for a short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner. Based on findings and the following conditions:

CONDITIONS:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.

4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 5-0** on a voice vote.

**ACCESSORY DWELLING UNIT CUP
2314 HALIBUT POINT ROAD
GEORGE AND TAMARA ELIASON**

Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

STAFF REPORT: Bosak gave the background on this request.

APPLICANT: George Eliason asked for a clarification regarding the access/easement provision in the ADU permitting process.

COMMISSIONER DELIBERATION: Commissioners asked for clarifications and expressed no concerns.

PUBLIC COMMENT: Robert Riggs, who owns the property adjacent to the applicants, clarified that a full build-out on the road accessing their properties isn't expected in the future. He asked for clarification of the definition of an accessory dwelling unit. He also asked for confirmation that this permit is only for this particular case, and no wider changes or allowances were being made to what was allowable in the neighborhood.

MOTION: M/S SPIVEY/WINDSOR moved to approve findings.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following

findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically 2.3.8. To seek out ways to make housing more affordable for all Sitkans through various measures including, including a: Developing more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

ACTION: Motion **PASSED** 5-0 on a voice vote.

MOTION: **M/S SPIVEY/HUGHEY** moved to approve the ADU permit with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED** 5-0 on a voice vote.

**SHORT TERM RENTAL CUP
1601 DAVIDOFF STREET
ALI CLAYTON**

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

STAFF REPORT: Staff presented the request.

APPLICANT: Ali Clayton and Steve Clayton described the request, clarifying that only the top floor is usable as a short-term rental because the lower level needs repairs and remodeling.

COMMISSIONER DELIBERATION: Parmelee read a public comment received by the Planning Office in which a neighbor believes there is increased activity on the property, especially the shop, compared to the past use, and discussion ensued with Windsor stating he was periodically at the property over the years and he didn't believe there was a difference in the amount or the type of use. Steve Clayton confirmed that the amount or type of use hadn't changed in any significant way. Spivey asked about management. Clayton explained she would manage the property, and Spivey expressed concern that

the owner would not live on the rental property. Bosak clarified that the conditions typically placed on long term rentals which were designed specifically to mitigate potential management problems. Hughey expressed concern that this represented the loss of a long-term rental and asked why it was being changed to a short-term rental. Clayton said she is interested in buying the house, which is owned by her parents, and this was a way to make more income toward that goal.

PUBLIC COMMENT: None

MOTION: M/S POHLMAN/WINDSOR moved to approve findings and conditions.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria

set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with any of the conditions may result in revocation of the conditional use permit.

ACTION: Motion **PASSED 4-1** on a voice vote.

**PUD SUBDIVISION PERMIT
100 INDIAN RIVER ROAD
BIHA**

Public hearing and consideration of a proposed planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority.

STAFF REPORT: Baranof Island Housing Authority was proposing a preliminary plat for a planned unit development at 100 Indian River Road. The property has acted as a PUD historically with two 4 plexes built in 2007 and two additional built in 2010. This request is to facilitate grant funding and proceed with phase 3. The large lot will be broken into 4 smaller lots.

Lot A will consist of 93,978 sq. ft. and feature Phase 1 and 2 as well as parking, access and greenspace.

Lot B will consist of 6,685 sq. ft. and will feature one new four plex as part of phase 3.

Lot C will consist of 6,149 sq. ft. and will feature one new four plex as part of phase 3.

Lot D will consist of 28,417 sq. ft. and will be reserved for future development in phase 4. Access and greenspace requirements listed in the subdivision code, are included in Lot A.

Staff explained the city staff Development Review Committee has met with BIHA to discuss the project. The preliminary plat will be revised before final approval to include easements, and to include a plat note that no lot may be sold separately. A parking plan will also need to be submitted.

APPLICANT: Cliff Richter described the project and that they are subdividing the lots to satisfy grant requirements.

COMMISSIONER DELIBERATION: Commissioners asked for clarification regarding drainage and Richter responded that the parking lot has curb gutters, and that drainage from the lot is directed down and to the right, or southeast, into a catch basin, which taps into an oil-water separator and then down into a drainage swale.

PUBLIC COMMENT: None

MOTION: **M/S HUGHEY/WINDSOR** moved to approve the preliminary plat for the planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as

Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority with the following conditions:

1. Parking plan be submitted prior to final plat approval.
2. There be a plat note that no lot may be sold independently; if sold, it must be sold as a whole.

ACTION: Motion **PASSED 5-0** on a voice vote.

**OUTDOOR RESTAURANT PORTABLE STRUCTURE CUP
331 LINCOLN STREET
ASHLEY MOORE**

Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

STAFF REPORT: The applicant was asking for a conditional use permit for an outdoor restaurant portable structure aka food truck in the central business district. The food truck will be serving locally caught Alaskan fish. The applicant plans to be in business May-September for 6-7 days per week. Ms. Moore has presented hours of operation to be 11 am to 4 pm and 5 pm to 8 pm. She also states that she will be open late nights possibly until 1 am. The food truck will be parked in front of the Coliseum Theater adjacent Lincoln Street. Applicant will be providing trash receptacles for customers.

The applicant has stated that all food prep will take place in a DEC approved commissary kitchen and that she has worked with DEC to be in compliance.

The Planning Office received complaints in the past concerning noise, primarily, from a food truck parked underneath some upper floor residences, but this location doesn't have that potential problem as there are no residences above the theater.

Staff noted that this particular use is permitted in commercial and waterfront zones, but in the central business district it is conditional use.

APPLICANT: Ashley Moore described the request and explained that regarding noise, the Food Truck engine wouldn't be running and she has invested in an inverter generator which is much quieter than the generator system already in the truck. She would like to put up a tent and have some seating, if that is permissible.

COMMISSIONER DELIBERATION: Spivey asked for more description of the tent and where it would be. Staff noted that a revised site plan could be provided as a condition, showing these aspects of the request. Hughey asked if the applicant had heard anything

negative from downtown merchants, and she said no. Bosak confirmed the truck wouldn't block the west end exit of the theatre, and applicant confirmed that exit would not be blocked. Pohlman asked for clarifications regarding the hours. Bosak mentioned that one of the conditions could be to limit the hours, however, this permit is located in the Central Business District, and that district is zoned specifically to accommodate bars, restaurants, and downtown events, and a nighttime eatery could fit in.

PUBLIC COMMENT: None

MOTION: M/S SPIVEY/POHLMAN moved to approve the following findings.

22.30.160 Planning commission review and recommendation.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation, *specifically, 2.5.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas; and 2.1.1. Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.*

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all

criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.

The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

ACTION: Motion **PASSED 5-0** on a voice vote.

MOTION: M/S SPIVEY/WINDSOR moved to recommend approval of a conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen with the following conditions:

1. The facility shall be operated consistent with the application and plans that were submitted with the request including the location.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.
4. Must gain all necessary agency permits.
5. Must submit an updated site plan showing the proposed tent and tables.

ACTION: Motion **PASSED 5-0** on a voice vote.

**MAJOR SUBDIVISION PRELIMINARY PLAT
300 KRAMER AVENUE – PARCEL C SOUTH BENCHLANDS
SOUND DEVELOPMENT**

Public hearing and consideration of a preliminary plat for a major subdivision at 300 Kramer Avenue or Parcel C South Benchlands filed by Sound Development, LLC. The proposed subdivision will create 19 lots. The property is also known as Tract A12-III, Whitcomb Heights III Subdivision.

STAFF REPORT: This item was the preliminary plat for a major subdivision request at 300 Kramer Avenue. The proposed subdivision would turn the majority of Parcel C of the South Benchlands into a 19 lot subdivision. The lots ranged in size from 4,062 square feet to 105,500 square feet. The PUD designation allows for mixed use as this subdivision ranges in lot sizes and will accommodate a variety of home sizes. From “tiny homes” to multi-family, this subdivision will incorporate a number of different housing options. Plat notes limit future variances and building square footage.

A 20 foot wide greenbelt wetland preserve is designated on the plat directly above Sand Dollar Drive or the west side of the subdivision. Tree height would be addressed allowing property owners to trim trees if they are above 20 feet. Sand Dollar Drive residents requested this during the minor subdivision process.

Working together with Sound Development, city staff personnel in Planning and Public Works have reviewed the proposal and after a series of edits, are comfortable with it progressing through the public process.

There are issues outlined in a staff engineers report which are still being discussed and it is understood they will be resolved before the final plat is approved.

APPLICANT: Jeremy Twaddle and Todd Fleming described the project.

COMMISSIONER DELIBERATION: Parmelee read a letter submitted as public comment outlining concerns about drainage. The municipal engineer’s comments on drainage and additional points were presented by staff. They include:

- Public Works recommended and fully supports the plat note requiring that drainage from rooftops and driveways be directed to the ditches to help prevent the downhill properties from being adversely affected.
- We would also like to see a plat note which restricts direct access to the lots from Kramer Avenue to the extent possible. Woodbury Circle should be used for lot access as opposed to having 7 successive driveways across a relatively short distance with, in most cases, less than standard lot frontage widths.

- We also need sufficient easement width(s) to access and maintain all drainage conveyances on private property. The presence of an easement is not sufficient. As an example, there are numerous easements across Hillside Subdivision which are present on paper, but are physically inaccessible with heavy equipment. We would like to avoid this situation. Easements should be wide enough to allow for an excavator to access the ditch from the side.

In response, Jeremy Twaddle explained that with regard to drainage, a condition set on their initial plan stipulated that they were to reduce runoff by 10 percent. They had a runoff study conducted by an engineer, and the resulting plan is to direct drainage down along Kramer Avenue to the existing storm drain system there. Runoff is expected to be reduced by greater than 10 percent, and possibly as much as 50 percent. Other drainage measures include making sure ash and other inorganic fill material are stacked on the downhill side of the road, so that it isn't just a rock surface, and as a result water is expected to drain down into the fill material and be better directed. Also there are plat notes requiring runoff from residents' roofs must be directed back to Kramer Ave.

On the second point described by city engineering staff, Bosak and the applicant described the city's Public Works department concern about having too many driveways onto Kramer Avenue, and the solution that is being discussed, which involves shared driveways.

On the third point raised by the city engineer, discussion will continue between the applicant and city engineering staff as to the access easement, which the city feels needs to be wide enough allow for equipment access. The applicant stated they are not clear about this need, but are willing to comply.

PUBLIC COMMENT: None

MOTION: M/S WINDSOR/HUGHEY moved to approve the preliminary subdivision plat with the additional plat notes as requested by staff.

ACTION: Motion **PASSED 5-0** on a voice vote.

DIRECTORS REPORT: Bosak reported that the Planning Office is hearing from many residents concerned about protecting the integrity of the R1 zones, and maintaining their residential nature. Scott Brylinski wanted to know what the commissioners felt about being the local marijuana regulatory body and the commission discussed the question briefly and determined it was a possibility to discuss further.

PUBLIC COMMENT: None

MOTION: M/S WINDSOR/SPIVEY moved to adjourn at 9:46 p.m.

ACTION: PASSED unanimously 5-0 on a voice vote.

Richard Parmelee, Chair

Carole Gibb, Secretary



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Notice of Public Hearings

The Assembly of the City and Borough of Sitka will hold a public hearing during a regular meeting scheduled Tuesday, May 12, 2015 on the following items:

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

The Assembly may take action on May 12, 2015. The Assembly meeting will begin at 6:00 pm in Harrigan Centennial Hall at 330 Harbor Drive in Sitka.

Interested residents are encouraged to make comments during the meeting and written comments can be submitted to the Municipal Clerk at 100 Lincoln Street.

Short-term conditional use permit at 1601 Davidoff Street:

The applicant is requesting a conditional use permit for a short-term rental at 1601 Davidoff Street. This would allow the applicant to rent out the top floor of the furnished home (two bedroom, one bath) for stays of 14 days or less. Guests will be responsible for their own meals and transportation. Two off-street parking spaces are available. The property is zoned R-1 Residential.

The R-1 single-family and duplex District is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

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SITKA AK 99835

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(DAVIDOFF CORNER)
STATE OF ALASKA
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JUNEAU AK 99801

K3, LLC

K3, LLC
102 SHARON DR.
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MARYANN/HELEN PERKINS/DESJARDIN

KIM D. PERKINS
820 BARTLETT ST
SILVERTON OR 97381

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C/O Alysia BRIGHT
OLSON, GAYLORD, C.
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ALAMEDA CA 94501

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SEVENTH DAY ADVENTIST CHURCH

SEVENTH DAY ADVENTIST CHURCH
1613 HALIBUT POINT RD
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HAL/MAE TAYLOR

TAYLOR, HAL/MAE JEAN
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ROBERT/JANET LOVE REVOCABLE TRUST

LOVE REVOCABLE TRUST, ROBERT &
JANET
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KATHERINE SULSER

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TIMOTHY/GRETA RYAN

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JAMES HARRIGAN

HARRIGAN, JAMES, J.
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SITKA AK 99835

ERIC/SARAH JORDAN

JORDAN, ERIC, W./SARAH, L.
103 GIBSON PLACE
SITKA AK 99835

The Claytons
1601 Davidoff
Sitka AK 99835

JAMES/MARTA RYMAN

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C/O BOB LOVE
KECK LIVING TRUST, DAN/BETTY
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FLORENCE WELSH

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BRUCE CHRISTIANSON

CHRISTIANSON, BRUCE/KE
105 GIBSON PLACE
SITKA AK 99835

Assembly Mailing
Sent 5/4/15

Clayton

Short-term Rental Conditional Use Permit
1601 Davidoff

LUCIENNE/KELLAN DOGGETT/SHOEMAKER

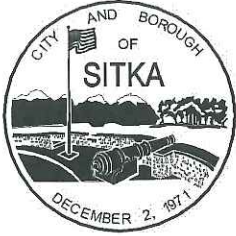
SNOWDEN GROUP, LLC

SURF PARK, LLC

DOCETT, LUCIENNE & SHOEMAKER,
KELLAN
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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Sitka Planning Commission Agenda
Tuesday, April 21, 2015
Held at **Sitka Fire Hall**
209 Lake Street, Sitka, Alaska
7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE AGENDA
- III. CONSIDERATION OF THE MINUTES FROM April 7, 2015
- IV. THE EVENING BUSINESS

A. Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by Phyllis Hackett at 707 Lake Street. The property is also known as Lot 21, Block 11, Sirstad Addition No. 2. The owners of record are Mark and Phyllis Hackett.

B. Public hearing and consideration of a proposed short-term rental conditional use permit requested by Tiffany and Christopher Bryner at 413 Baranof Street. The property is also known as Lot 15, Block 20, U.S. Survey 1474, Tract A. The owners of record are Tiffany and Christopher Bryner.

C. Public hearing and consideration of a proposed accessory dwelling unit conditional use permit requested by George and Tamara Eliason at 2314 Halibut Point Road. The property is also known as Lot 4, Ocean View Ridge Subdivision. The owners of record are George and Tamara Eliason.

D. Public hearing and consideration of a proposed short-term rental conditional use permit requested by Ali Clayton at 1601 Davidoff Street. The property is also known as Lots 1 and 7, Block 9, Northwest Addition, U.S. Survey 3303B, Tract A. The owners of record are Steve and Paula Clayton.

E. Public hearing and consideration of a proposed planned unit development subdivision permit requested by the Baranof Island Housing Authority (BIHA) at 100 Indian River Rd. The property is also known as Lot 3AA, Indian River Subdivision No. 2. The owner of record is the Baranof Island Housing Authority.

F. Public hearing and consideration of a proposed conditional use permit for an outdoor restaurant portable structure requested by Ashley Moore at 331 Lincoln St. The property is also known as a portion of Tract J of U.S. Survey 404. The owner of record is Christopher Bowen.

G. Public hearing and consideration of a preliminary plat for a major subdivision at 300 Kramer Avenue or Parcel C South Benchlands filed by Sound Development, LLC. The proposed

subdivision will create 19 lots. The property is also known as Tract A12-III, Whitcomb Heights III Subdivision.

- V. PLANNING DIRECTOR'S REPORT
- VI. PUBLIC BUSINESS FROM THE FLOOR
- VII. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to carole@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: April 13 and April 15

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STOCKEL, DANIEL & JESSICA
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