



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: ZA 26-03  
Proposal: Zoning Map Amendment  
District: R-1 Single-Family and Duplex Residential District to C-2 General Commercial and Mobile Home District  
Applicants: Trudy Prewitt, Nicholas Brewer, Derek Bowen, Scott Calhoun, Nathan Swearingen  
Owners: Prewitt Family Trust, Nicholas Brewer, Derek Bowen, Scott Calhoun, Nathan Swearingen, Nathan Swearingen Revocable Trust  
Location: 205 Kimsham Street, 1004, 1006, 1008, 1100, 1104 Halibut Point Road  
Legal: Lots One (1), Two (2), Three (3), Four (4), Prewitt Subdivision, Lots One (1) and Two (2), Kruzof Subdivision, Lot Eleven-B (11B) Swearingen Resubdivision, and Lot Ten-A (10A) Swearingen Subdivision  
Zone: R-1 - Single-Family/Duplex Residential District  
Sizes: 16,478 sf, 13,638 sf, 8,990 sf, 8,102 sf, 21,547 sf, 33,992 sf, 6,076 sf  
Parcel IDs: 1-4537-000, 1-4536-000, 1-4535-000, 1-4534-000, 1-4615-000, 1-4601-000, 1-4600-002  
Existing Uses: Residential; Nonconforming Commercial Uses  
Adjacent Uses: Residential; Churches  
Utilities: Existing, Kimsham Street, Halibut Point Road  
Access: Kimsham Street, Halibut Point Road

### **KEY POINTS AND CONCERNS:**

- Proposal to change the zoning from R-1 residential to C-2 commercial
- 1004 Halibut Point Road borders C-1 zone to the east adjacent to Peterson Avenue
- Properties borders R-1 residential on all other sides

### **ATTACHMENTS:**

Attachment A: Aerial  
Attachment B: Zoning Map  
Attachment C: Map and Diagram  
Attachment D: Current Plats  
Attachment E: DOT Traffic Counts  
Attachment F: Photos  
Attachment G: Applicant Materials  
Attachment H: Public Comment

## **PROJECT DESCRIPTION**

The applicants are requesting a zoning map amendment from R-1 single-family and duplex residential district to C-2 general commercial and mobile home district for their properties at 205 Kimsham Street and 1004, 1006, 1008, 1100, and 1104 Halibut Point Road. Adjacent residential uses include single-family, duplex, and multifamily housing. Nonconforming uses in the zone include a bus depot, funeral home, bottling plant, mobile home park and churches.

## **BACKGROUND**

These properties have previously applied to be rezoned from residential to commercial. Planning staff found four case files related to rezoning efforts at the north side of the 1000 and 1100 blocks of Halibut Point Road. One request to rezone was denied (ZC 80-01); one was discussed and ultimately not moved forward (ZC 95-05); and two were withdrawn (ZA 15-04 and ZA 20-03).

In 1980, a zoning map amendment from R-1 to C-1 was denied (ZC 80-01) after adjacent property owners expressed concerns related to changes to neighborhood character, as well as how the change would impact the growth and development of the area, which was primarily residential.

The Planning Commission again discussed a possible zoning change in April 1995 (ZC 95-05), following the hearing—and denial—of a conditional use permit request related to parking at what is now 1006 and 1008 Halibut Point Road. Following the consideration of the conditional use permit request, the commission discussed whether the area could be rezoned to C-1 to bring existing commercial properties into conformance. After taking public comment, the consensus was not to rezone.

Trudy Prewitt submitted requests to rezone those same properties in 2015 (ZA 15-04) and in 2020 (ZA 20-03). The 2015 request was withdrawn and the 2020 request was pulled by the applicant prior to hearing by the Planning Commission.

According to a 1957 map that included land use and zoning districts, the area was likely zoned as R-1 when the first zoning ordinance in the City of Sitka was passed in August 1956. Staff was unable to locate the zoning map associated with the 1956 zoning ordinance (Ord. 177), though the 1957 map is understood to be an accurate representation of zoning shortly after the time of its establishment.

The R-1 zone as shown on the 1957 map encompassed several subdivisions within the city limits that were later developed into residential neighborhoods. Aside from the old city shops property, the property at what is now 1100 Halibut Point Road (Sitka Bottling) is the only other property between Peterson Avenue and the city limits (now Davidoff Street) noted as commercial property on the 1957 map. All other properties in the area are marked either vacant or residential in use.

It is of note that U.S. Survey 3303—which subdivided and platted Edgecumbe Drive (Second Avenue) and Halibut Point Road (North Sitka Avenue) from their connections at Peterson Avenue to the city limits—was finalized and recorded in 1955, one year prior to the passage of the first city

zoning ordinance. It is likely that planners of the time zoned the area not necessarily to best fit existing uses, but to facilitate residential development within newly-subdivided area. The resulting residential development of Edgecumbe Drive most of Halibut Point Road between Peterson Avenue and Davidoff Street is likely an outcome of this zoning measure.

Regarding other commercial uses in the area, minutes from the April 17, 1995 Planning Commission meeting read as follows: “In 1968 the Assembly had granted [Gene Prewitt] permission to use Lots 6 and 7 [now 1004 Halibut Point Road and 205 Kimsham Street] commercially despite the R-1 zone.” Staff was unable to confirm such permission and the property is marked vacant on the 1957 map. Staff was also unable to find record of the establishment of a manufactured and mobile home park at 1104 Halibut Point Road, which is also marked vacant on the 1957 map.

While past requests to rezoning the north portion of the 1000 and 1100 blocks of Halibut Point Road have been unsuccessful, other portions of Halibut Point Road have been rezoned in the time since the passage of the 1956 zoning ordinance. The northern side of Halibut Point Road between Peterson Avenue and Katlian Avenue and the southern side of Halibut Point Road between Peterson Avenue and Brady Street was rezoned from R-1 to C-1 in 1974 and 1978. The southern, waterfront side of the street was rezoned first, followed by the upland, northern side of the street. Also around this time, the southern side of Halibut Point Road between Brady Street and Katlian Avenue was rezoned from I-1 (Industrial) to C-1, and the property currently occupied by Lakeside and Delta Western was rezoned from R-1 to C-1.

## **DISTRICT REGULATIONS**

Descriptions of each zoning district:

SGC 22.16.040 – R-1 single-family, duplex and manufactured home zoning 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.*

SGC 22.16.080 – C-1 general commercial district or C-2 general commercial mobile home district.

*A. Intent. The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent on vehicular access. The district is intended for those areas surrounding major intersections where personal services,*

*convenience goods, and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.*

- B.** *All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include manufactured homes on single lots and manufactured home parks, and tiny houses on chassis on a single lot as a conditional use.*

## **ANALYSIS**

### **Project/Sites:**

- 205 Kimsham Street - 16,478 sf – vacant lot with bus storage
- 1004 Halibut Point Road - 13,638 sf – improvement: 5,988 sf, funeral home and bus maintenance garage
- 1006 Halibut Point Road - 8,990 sf – improvement: 836 sf, single-family mobile home
- 1008 Halibut Point Road - 8,102 sf – improvement: 1,040 sf, single-family mobile home
- 1100 Halibut Point Road - 21,547 sf – improvement: 5,624 sf, warehouse/bottling company
- 1104 Halibut Point Road - 33,992 sf – mobile home park
  - 1104 Halibut Point Rd #1 – Alexis Frias – improvement 847 sf
  - 1104 Halibut Point Rd #2 – Robin Klanoff – improvement 940 sf
  - 1104 Halibut Point Rd #4 – Rogelio Sibayan – improvement 1,003 sf
  - 1104 Halibut Point Rd #5 – Wayne Patterson – improvement 1,152 sf
- 1104 Halibut Point Road - 6,076 – improvement: 2,262 sf, duplex

**Traffic:** The properties are accessed via Kimsham Street and Halibut Point Road. As rezoning from residential to commercial enables more dense development of the area, more traffic could result from passage of this zoning map amendment. Kimsham Street is a developed municipal right-of-way (ROW) and Halibut Point Road is a developed State of Alaska ROW.

This area of town has moderate to high volumes of traffic due to Halibut Point Road’s status as a main arterial street. There are also two schools in this area which contribute to moderate/high traffic levels on municipal ROWs (Peterson Avenue, Kimsham Street, Edgcumbe Drive, and Kashevaroff Street) during the school year. The intersection of Peterson Avenue and Halibut Point Road is considered a main intersection for this traffic.

DOT traffic counters are located on Kimsham Street/North Peterson Avenue in front of 207 Kimsham Street; on Peterson Avenue East/Edgcumbe Drive in front of 307 Peterson Avenue; and on Halibut Point Road West and Kashevaroff Drive in front of 1410 Halibut Point Road. Traffic counts are collected during the month of July. The annual average daily traffic (AADT) for Kimsham Street/North Peterson Avenue in 2024 was 510 AADT and the Peterson Avenue East/Edgcumbe Drive was 1,290 AADT. The Halibut Point Road West and Kashevaroff Drive traffic counter was 8,100 AADT. While an increase in commercial use will likely not result in traffic impacts to Halibut Point Road, Peterson Avenue and Kimsham Street may not be as well-equipped to handle increased traffic that could result from commercial use.

**Parking:** Parking requirements are calculated based on the size and type of developments on the each lot; the rezoning alone would not necessarily impact parking, but would potentially result in

new uses/developments in the area that necessitate more required parking than residential use.

**Noise:** Commercial districts often generate more noise than residential zones, as commercial districts permit more intensive uses than residential zones. Given the current nonconforming uses on these properties, surrounding commercial zones/uses, and the level of traffic on this stretch of Halibut Point Road, some amount of commercial-level noise is already present, and additional noise generation is likely marginal. However, redevelopment of these parcels under commercial zoning could introduce additional noise, or changed patterns of use that potentially introduce different types of noise, or noise at different hours than the status quo.

**Public Health, Safety, and Welfare:** No impacts to public health or safety are anticipated.

**Habitat:** No concerns for habitat – most of the subject properties are already developed.

**Property Value or Neighborhood Harmony:** Commercially-zoned properties are generally valued higher than properties zoned R-1, as commercial districts have fewer use restrictions and are currently in high demand. Adjacent R-1 single-family and duplex housing may not be harmonious with potential C-2 neighboring uses.

**Comprehensive Plan:** The proposal could contribute to issues identified in LU 6.2: *Prevent future incompatible land use between residential, light commercial, heavy commercial, and industrial uses*. Whether this zoning change would alleviate or exacerbate incompatible land use may depend on neighborhood and community views of the proposal. A harmonious or incompatible outcome will ultimately be driven by the actual use and development of the property.

### **ADDITIONAL POINTS OF ANALYSIS FOR ZONING MAP AMENDMENTS**

In addition to the above, there are two considerations for zoning map amendments provided in Sitka General Code (SGC 22.10.380 B.1.): spot zoning; and adherence of district boundaries to proper and well-defined boundaries such as streets, natural features, or topography. Staff has also included analysis of whether the action would create nonconformities, historic zoning in the area, and permitted commercial uses in the C-2 to provide additional context.

**Spot Zoning:** Spot zoning is, in essence, creating an “island in sea” where a property (or a few properties) is not in a contiguous zoning district with neighboring properties. The surrounding neighborhood is zoned R-1, and the Peterson Avenue center line is the boundary between the existing R-1 district and C-1 zone. SGC 22.10.380 B. 1., states, “*except for the extension of existing zoning district boundaries, no change in district mapping shall be considered that would result in spot zoning or that would be inconsistent with proper and well-defined physical boundaries such as streets, major creeks, changes in topography or other physical features.*”

This case is a borderline spot zone. It is a limited/select set of parcels that would have a different zoning designation than anything in the vicinity – a spot zone when using a strict interpretation. However, it does encompass several parcels, and is immediately adjacent to other general commercial zoning which are almost identical in terms of permitted, conditional, and prohibited uses with the exception of mobile homes which C-1 does not allow.

**Zoning District Boundaries:** The current district boundaries in this area do adhere to well-defined

boundaries (primarily streets). If approved, this zoning change would start at the center line of Peterson Avenue and end at the property line between 1104 and 1106 Halibut Point Road. It would not extend to the properties northwest, out Halibut Point Road, or to the northeast (towards Edgecumbe Drive). The historical uses of these properties are the greater driver of boundaries in this case rather than natural features or streets. Some aspects that are not as consistent/adherent to other well-defined boundaries include the fact that the new district would have a midblock boundary on the north end, and that some properties that would be in this new district are accessed via Kimsham Street which also has residential zoning (though there is also a large church & parking lot along this section of the road).

This boundary delineation also appears to be contrary to the district intent for C-1 & C-2 which states, "...*The extension of the general commercial district along the roads in a strip fashion is to be discouraged.*" (SGC 22.16.180(A)).

**Nonconformities:** When rezoning a developed property, it is important to ensure no nonconformities are created. The C-2 zone is sought by applicants as it would bring the existing mobile home park at 1104 Halibut Point Road into conformance. Mobile home parks are not permitted in the C-1 zone.

The development standards for the C-2 zone are similar to those of the R-1 zone. Setbacks requirements are the same except for the side setback, which is five feet in the C-2 zone and a split five- and nine-foot setback in the R-1 zone. The maximum building height of principal structures is 40 feet in C-2 zones, while principal structures are limited to 35 feet in R-1 zones. Commercially-zoned properties can also have up to three principal uses, while R-1 properties can have only one. This means a property zoned commercial may have up to three principal structures up to 40 feet in height, so long as not more than 50% of the lot is covered and setbacks are observed.

**Historic Zoning:** As previously discussed, the properties in the 1000 and 1100 blocks of Halibut Point Road were originally zoned R-1 in the mid-1950s, likely as part of an effort to facilitate residential development in the general area. The commission may wish to consider whether a rezoning of the subject properties from R-1 to C-2 will better accomplish Sitka's current development goals.

**Permitted and conditional uses:** The C-2 zone allows many uses outright that are prohibited in the R-1 zone.

- Additional residential land uses in C-2 include the following: a single manufactured home on an individual lot, mobile home parks, hostels, hotels and motels, rooming houses, lodges, short-term rentals, and B&Bs.
- Cultural and recreational uses in C-2 includes libraries, museums, conference centers, churches, art galleries, parks and trails, resorts, travel trailer and recreational vehicle parks, ballparks and athletic fields, theaters, outdoor amphitheaters, bowling centers, sports clubs, golf facilities, and arcades.
  - Indoor and outdoor shooting ranges are permitted by conditional use.
- General services uses in C-2 include dry cleaning, funeral homes and crematoriums, daycares and kindergartens, automotive repair and services, social service agencies, banks and credit unions, offices and outpatient clinics, hospitals, medical and dental laboratories,

- and school district support facilities.
- Veterinary clinics, stables, kennels, marijuana testing facilities, miscellaneous health facilities, elementary, middle, and high schools and colleges are permitted by conditional use.
  - Public facilities uses in C-2 include police stations, fire stations, and public water supply facilities.
    - Solid waste transfer facilities, wastewater treatment plants, public transportation facilities and airports, and animal shelters are permitted by conditional use.
  - Manufacturing and storage uses in C-2 include furniture and fixtures, leather and leather goods, computer and office equipment, electronic equipment, marine equipment, commercial fishing gear, and material storage, boat storage, construction materials storage, trucking, courier and taxi service facilities, warehousing and wholesale trade, self-service storage, freight and cargo services, and vehicle rental services.
    - Food products including seafood processing, small-scale wineries and breweries, textile mill products, apparel and textile products, wood products (except furniture), paper and allied products, petroleum refining and related products, rubber and plastics products, tanneries, stone, clay, glass and concrete products, primary metal products, fabricated metal products, industrial and commercial machinery, heavy machinery and equipment, miscellaneous vehicle manufacturing, boat building, tire retreading, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana product manufacturing facilities (extract only), log storage, and equipment rental services are permitted by conditional use.
  - Retail and business uses in C-2 include building, hardware and garden materials, bulk forest products sales, retail forest products sales, art galleries and sales of art, department and variety stores, food stores, agricultural product sales, motor vehicle and boat dealers, auto supply stores, gasoline service stations, apparel and accessory stores, furniture and furnishing stores, eating and drinking places, drug stores, liquor stores, used goods, secondhand stores, sporting goods, book, stationery, video, art supply, and jewelry stores, monuments, tombstones, and gravestones, hobby, toy, and game stores, photographic and electronic stores, fabric stores, fuel dealers, florists, medical supply stores, pet shops, standalone souvenir and gift shops, bulk retail, commercial home horticulture, general business services, professional offices, communications services, and research and development services.
    - Marijuana retail facilities and on-site marijuana consumption facilities are permitted by conditional use.

## **RECOMMENDATION**

Considerations for zoning map amendments can be put into two categories: code compliance/conformance, and the community's vision for development within a given area.

On code compliance/conformance, there are some factors that are not a clean fit. As described above, this could be seen as spot zoning in a strict sense. However, it's "grey" enough to warrant further discussion/consideration by the Commission. The adherence to natural/logical boundaries standard does not appear to be fully met, as some boundaries are much more a function of historical use and do not follow street/block configurations. This rezoning action also appears contrary to the

district intent given that it does extend the zone in a “strip fashion” in terms of its boundaries. However, this area has been functioning as essentially a legal nonconforming C-2 zone for a significant period of time, demonstrating that it is situated to handle more intensive land use than ordinarily expected in R-1 zones.

On community vision for development in this area, staff do not have clear comprehensive plan guidance (such as a future growth map) for this area that would represent the community’s perspective, and therefore remain neutral on these grounds. Whether use of these properties for the same, or different/expanded, commercial uses in the future would be incompatible with the surrounding residential uses (per Land Use Action 6.2) should be determined through the hearing process.

### **MOTION TO RECOMMEND APPROVAL**

- 1) “I move to recommend approval of the zoning map amendment to rezone 205 Kimsham Street, 1004, 1006, 1008, 1100, 1104 Halibut Point Road from the R-1 single-family and duplex residential district to C-2 General Commercial Mobile Home District. The properties are also known as Lots One (1), Two (2), Three (3), and Four (4), Prewitt Subdivision, Lots One (1) and Two (2), Kruzof Subdivision, Lot Eleven-B (11B) Swearingen Resubdivision, and Lot Ten-A (10A) Swearingen Subdivision. The request is filed by Trudy Prewitt, Nicholas Brewer, Derek Bowen, Scott Calhoun, Nathan Swearingen. The owners of record are Prewitt Family Trust, Nicholas Brewer, Derek Bowen, Scott Calhoun, Nathan Swearingen.”**