

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING THE OFFICIAL SITKA ZONING MAP TO REZONE A PORTION OF LOT 21 BLOCK 1 SITKA INDIAN VILLAGE FROM R-1 SINGLE FAMILY AND DUPLEX RESIDENTIAL DISTRICT TO CBD CENTRAL BUSINESS DISTRICT

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to revise the zoning map to allow for an expansion of the commercial activity along Katlian Avenue and to keep the residential activity along Kaagwaantaan Street. This rezoning is found to be consistent with the goals and policies of the 2007 Sitka Comprehensive Plan.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the official zoning map is amended to rezone the seaward half of Lot 21 Block 1 of the Sitka Indian Village USS 2542 A and B from R-1 Single Family and Duplex to CBD Central Business District (see attached Exhibit A). The property is also known as 242 Katlian Street.

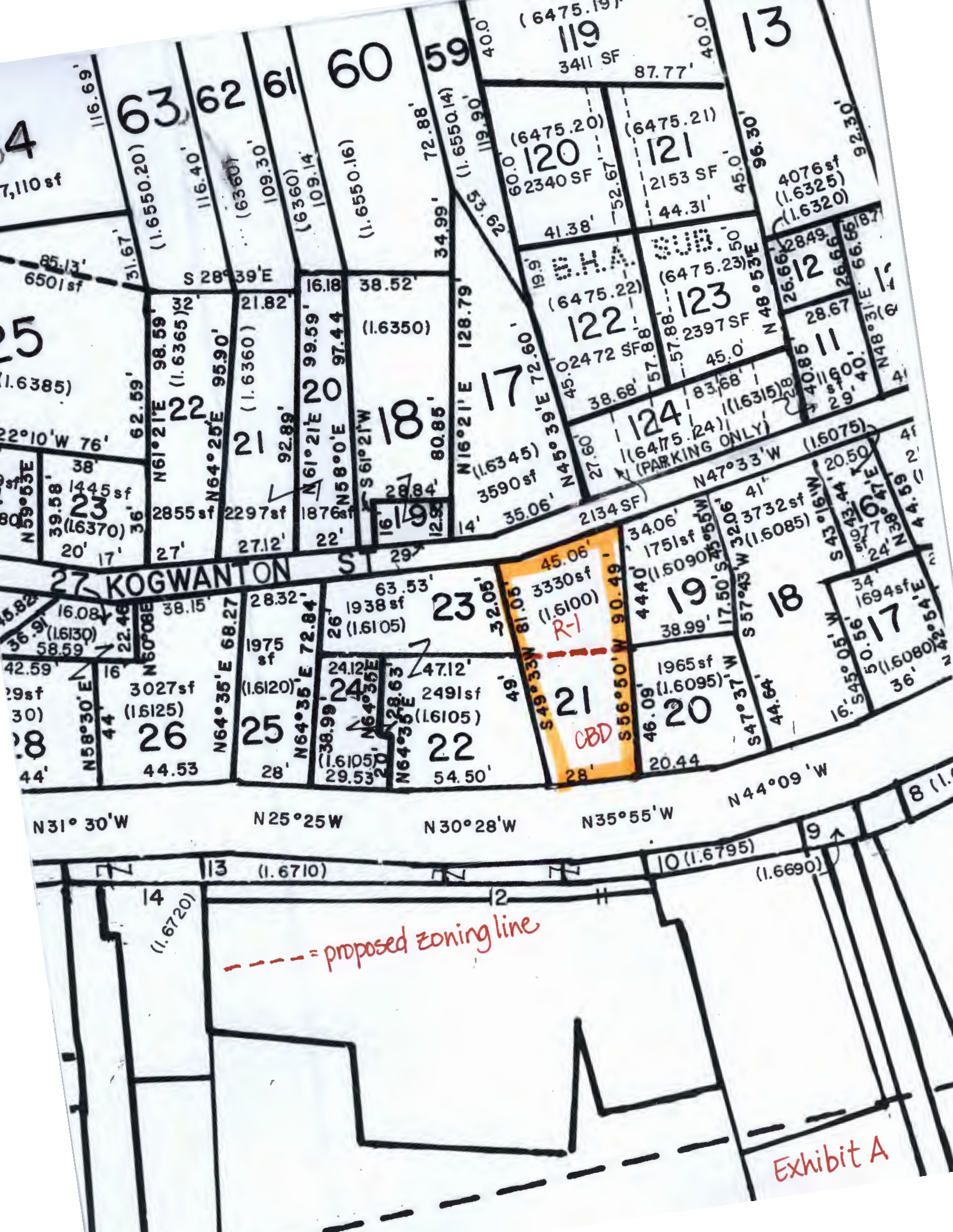
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 24th day of January, 2012.

Cheryl Westover, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk



----- = proposed zoning line

R-1
CBD

Exhibit A

27 KOGWANTON ST

N31°30'W

N25°25'W

N30°28'W

N35°55'W

N44°09'W

14
(1.6720)

13 (1.6710)

10 (1.6795)

9 (1.6690)

26
3027sf
(1.6125)
44.53

25
1975sf
(1.6120)
28'

24
2491sf
(1.6105)
29.53'

22
54.50'

21
3330sf
(1.6100)
45.06'

20
1965sf
(1.6095)
20.44'

23
1938sf
(1.6105)
63.53'

19
2134sf
(1.6075)

19
1751sf
(1.6090)
38.99'

18
1694sf
(1.6080)
36'

22
2855sf
(1.6365)
27'

21
2297sf
(1.6360)
27.12'

20
1876sf
(1.6350)
22'

18
1619sf
(1.6345)
12.88'

122
2472sf
(1.6345)
38.68'

123
2397sf
(1.6315)
45.0'

11
28.67'

63
116.40'

62
109.30'

61
109.14'

60
119.90'

120
2340sf
(1.6320)
41.38'

121
2153sf
(1.6320)
44.31'

13
4076sf
(1.6325)
(1.6320)
92.30'

63
116.69'

62
109.30'

61
109.14'

60
119.90'

119
3411sf
(1.6320)
87.77'

120
2340sf
(1.6320)
41.38'

13
4076sf
(1.6325)
(1.6320)
92.30'




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

To: Jim Dinley, Municipal Administrator
Mayor Westover and Assembly Members

From: Wells Williams, Planning Director 

Subject: Ordinance 2012-1 Rezoning a Portion of Lot 21 Block 1 Sitka Indian Village from R-1 to CBD

Date: December 23, 2011

The Sitka Planning Commission is unanimously recommending approval of the Lucas-Johnson request to rezone the seaward half of Lot 21 Block 1 of the Indian Village from R-1 Single Family and Duplex Residential District to CBD Central Business District. The request involves 242 Katlian Street. The recommendation was made at the board's December 6th Planning Commission meeting.

The applicant, Karen (Lucas) Johnson, originally requested that the entire lot be rezoned to CBD. The small lot fronts both on Katlian Street and Kaagwaantan Street. Concerns were expressed by some of the neighborhood about commercial traffic accessing the very narrow Kaagwaantan right of way.

The current revised proposal represents a compromise that appears to be acceptable to all parties.


The option of placing restrictions on the rezoning, such as prohibiting commercial access, was discouraged by the Planning Office. Referred to in land use law as 'contract zoning', placing restrictions on a specific zoning proposal has received mixed rulings from courts around the country.

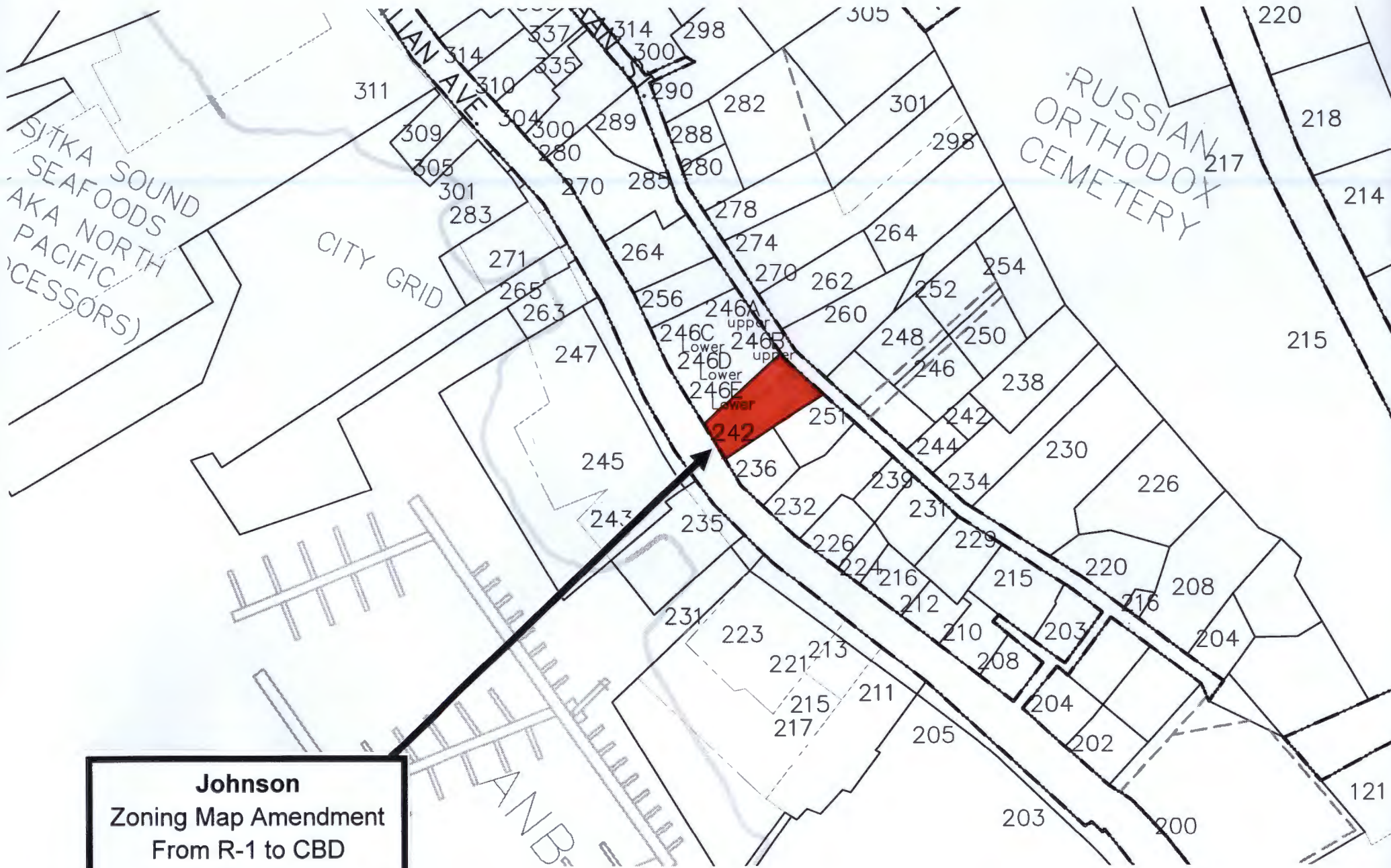
The current compromise involves having the Katlian Street half of the lot be CBD and the Kaagwaantan Street have be retained as R-1. The zoning district line would effectively split the parcel. The rezoning of the front half to CBD would continue part of the pattern of having lots along Katlian in commercial use.

While the approach is slightly unorthodox, it achieves several goals. Larger parcels occasionally have part of the tract in one zoning and another part of the tract in a separate zoning. Structures often have a mix of residential and commercial uses. The potential downside, obviously, is on the property owner who needs to be aware that additional planning would need to go into the design of any future structure. Planning Office staff specifically explored this issue with the applicant and she remained supportive of the compromise.

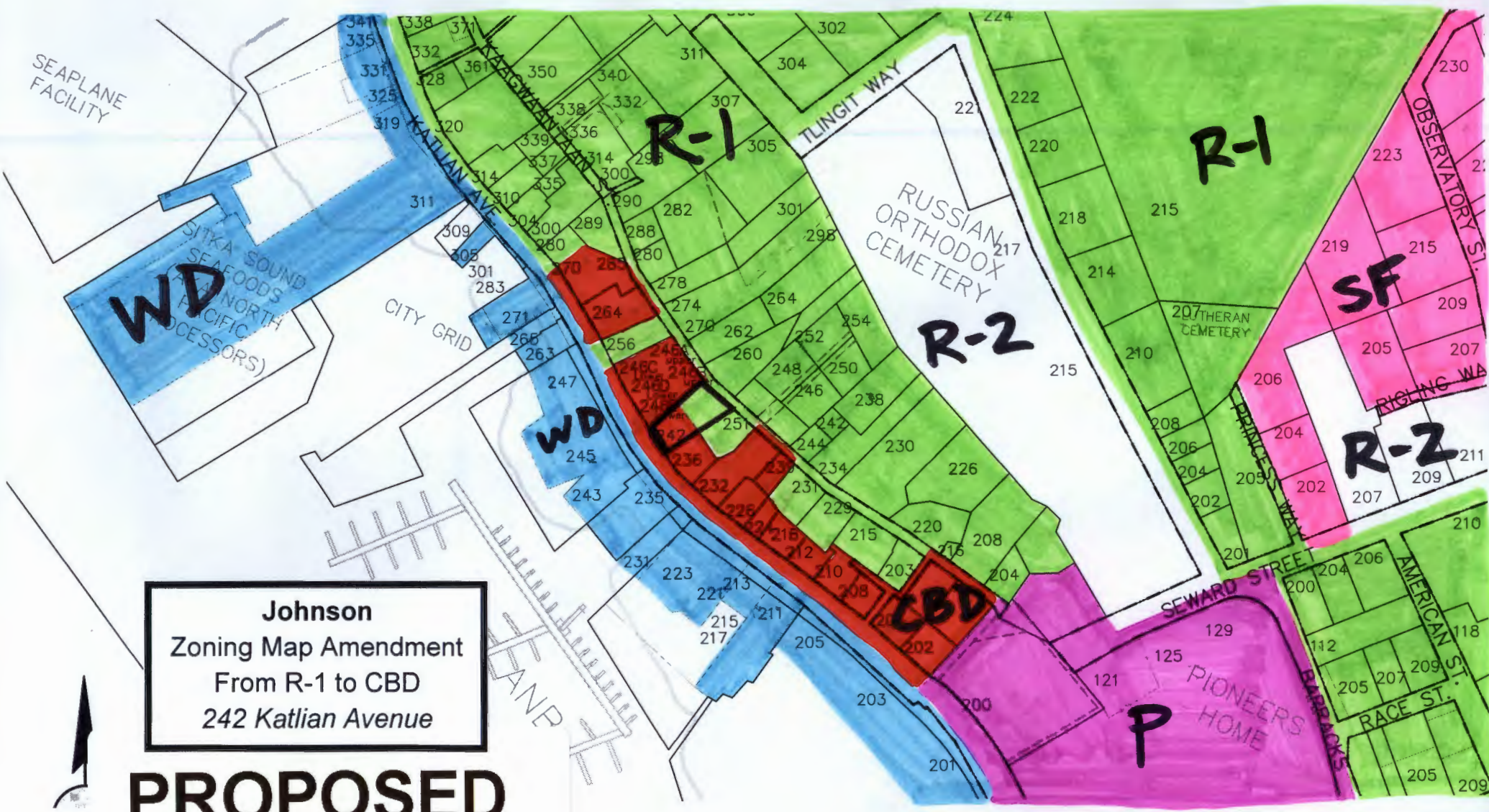
Recommended Action:

Receive public comment and approve the ordinance.


Providing for today...preparing for tomorrow



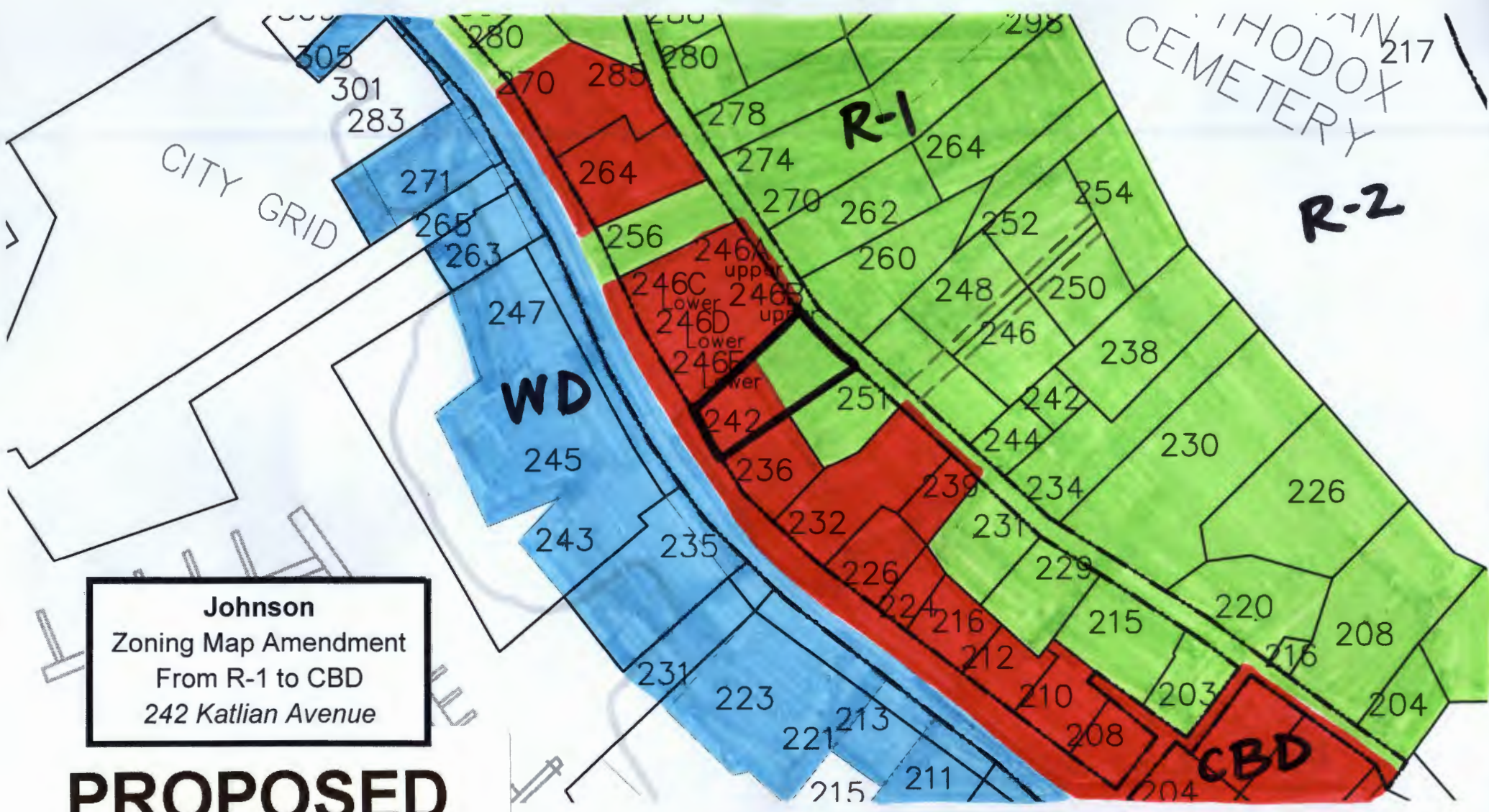
Johnson
Zoning Map Amendment
From R-1 to CBD
242 Katlian Avenue



Johnson
 Zoning Map Amendment
 From R-1 to CBD
 242 Katlian Avenue

PROPOSED





Johnson
 Zoning Map Amendment
 From R-1 to CBD
 242 Katlian Avenue

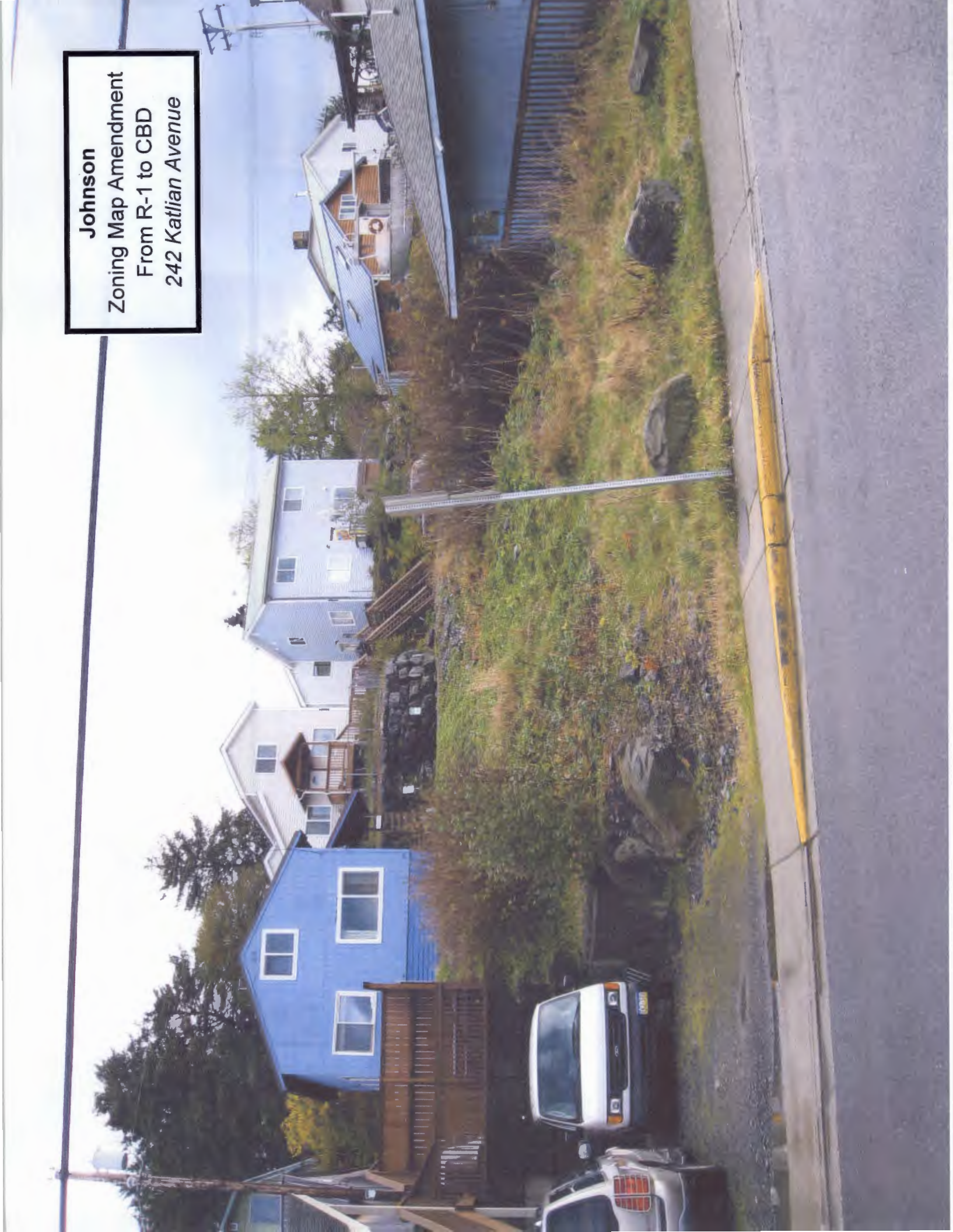
PROPOSED

Johnson

Zoning Map Amendment
From R-1 to CBD
242 Katlian Avenue



Johnson
Zoning Map Amendment
From R-1 to CBD
242 Katlian Avenue





Johnson
Zoning Map Amendment
From R-1 to CBD
242 Katlian Avenue

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
December 6, 2011**

Present: Jeremy Twaddle (Acting Chair), Tom Rogers (Member), Richard Parmelee (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Stephen Weatherman (Municipal Engineer), Karen Lucas, Richard Marvin, Kendall Didrickson, Craig Shoemaker, Susan Litman, Craig Giammona (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the November 15, 2011 meeting:

MOTION: M/S PARMELEE/ROGERS moved to approve the meeting minutes for November 15, 2011.

ACTION: Motion PASSED unanimously on a voice vote.

This evening's business:

**ZONING MAP AMENDMENT
242 KATLIAN AVENUE
KAREN (LUCAS) JOHNSON**

Public hearing and consideration of zoning map amendment at 242 Katlian Avenue to change the Katlian Avenue front half of the property's zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.

Planning Director Williams reviewed this request. A proposal was made at the last meeting to have the front half zoning along Katlian Avenue change from R-1 to CBD and the uphill back portion remain R-1 due to the concerns with commercial uses along Kaagwaantaan Street. Mr. Williams expressed that the applicant needs to be aware of this as it will require different construction due to the two uses on a small lot. He also clarified contract zoning and that the new zoning line does not correlate to a property line.

Applicant: Ms. Lucas came forward. She is fully aware of the zoning line. She asked if it would be allowed to place one building on the lot that straddles the new zoning line.

Planning Director Williams assumed that that would be the case, but the use in the building would go with the designated zoning.

She also got clarification that it would be allowed to have a small cottage on the Kaagwaantaan Street side and a coffee stand on the Katlian Avenue side, with the stipulation that the setbacks would still need to be in place for each of the zones.

Public Comment: There was no public comment.

Commissioner Windsor received clarification from Planning Director Williams that a building could straddle the new zoning line, but that it would need two different uses and that there isn't a setback from that zoning line.

MOTION: M/S PARMELEE/WINDSOR moved to recommend approval the zoning map amendment at 242 Katlian Avenue. The request is to change the Katlian Avenue front half of the property's zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.

ACTION: Motion **PASSED unanimously** on a voice vote.

Staff recommended findings in support of the recommended zoning map amendment.

MOTION: M/S PARMELEE/WINDSOR moved to approve the following findings in support of the recommended zoning map amendment:

1. That the zoning map amendment does represent a continuation of a logical zoning pattern along Katlian and Kaagwaantaan specifically a zoning pattern that recognizes the historical use along Katlian and the historical residential use along Kaagwaantaan;
2. The zoning map amendment is consistent with the 2007 Comprehensive Plan, specifically 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT

Planning Director Williams showed the Commissioners the GIS mapping on different types of systems including, the iPhone, Kindle Fire, a laptop, a Samsung tablet and other.

PUBLIC BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

MOTION: M/S WINDSOR/PARMELEE moved to adjourn at 9:31 p.m.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Acting Chair

Melissa Henshaw, Secretary

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
November 15, 2011**

Present: Jeremy Twaddle (Acting Chair), Richard Parmelee (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Stephen Weatherman (Municipal Engineer), Doug Hardcastle, Karen Lucas, Robert Reid, Bill Anderson, Brandon Marx, Tess Heyburn, Craig Giammona (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the November 1, 2011 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for November 1, 2011.

ACTION: Motion PASSED unanimously on a voice vote.

This evening's business:

**ZONING MAP AMENDMENT
242 KATLIAN AVENUE
KAREN (LUCAS) JOHNSON**

Public hearing and consideration of zoning map amendment at 242 Katlian Avenue to change the zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.

Planning Director Williams reviewed this request. No comment has come in since last meeting. Currently the zone is R-1. The owner would like to request to change it to CBD. This property fronts both Katlian Avenue to Kaagwaantaan Street. Public comment that was received at the last meeting was not clear, and Staff is hoping to get clarification. Mr. Didrickson was opposed; however Ms. Heyburn's comments were unclear. The concern seems to be of commercial activity coming off of Kaagwaantaan Street and the off-street parking spaces since CBD does not require off-street parking spaces. Staff recommends against the request if there is opposition, however recommends in the affirmative if there isn't opposition from neighbors.

Commission agreed that there was neutral position from Ms. Heyburn.

Applicant: Ms. Lucas came forward. She also agrees that Kaagwaantaan Street should remain residential. She would like to propose a zoning that allows the Kaagwaantaan Street side be kept residential. Perhaps splitting the lot with the two different zoning with CBD along Katlian Avenue and Kaagwaantaan Street residential might work. Her plans for the property would be something like a coffee stand or open market. Regardless of what it is – it will be on a small scale with no large buildings. Ms. Lucas clarified on the trail going through the property is an indemnification agreement where Sitka Tribe of Alaska has agreed to supply legal representation and defense in regards to this trail if someone were to try and claim grandfather

rights to it. Although it is there as a worn trail, it is still Ms. Lucas' property. There are no easements on this property with regards to the trail.

Planning Director Williams clarified thoughts and questions that were raised from Commissioners: the SF zoning district along Observatory Street is a type of zoning that is common and that no residential uses could be allowed on the first floor of building in the CBD district.

Public Comment: Bill Anderson came forward. He is a resident of Kaagwaantaan Street. He is against this request due to the one way and 12 foot width of this street and if traffic increases, it would be a hazard.

Commissioners discussed options of this request. A possible scenario is that only the half fronting Katlian Avenue be changed to CBD, but the back half facing Kaagwaantaan Street be kept as residential. The zoning lines do not need to follow property lines. The applicant was in agreement with this and will meet with the Planning Office in order to draw in that line.

This request will come back to the Planning Commission on December 6th for another public hearing to see if there are further comments.

PLANNING DIRECTOR'S REPORT

None.

PUBLIC BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

MOTION: M/S PARMELEE/WINDSOR moved to adjourn at 7:58 p.m.

ACTION: Motion **PASSED 3-0** on a voice vote.

Jeremy Twaddle, Acting Chair

Melissa Henshaw, Secretary

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
November 1, 2011**

Present: Jeremy Twaddle (Acting Chair), Richard Parmalee (Member), Tom Rogers (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Gail Johansen Peterson (Contract Secretary).

Members of the Public:

Cliff Richter, Jim Helgoe, Ron Waldron, David Elsensohn (via teleconference), Karen Johnson, Tess Heyburn, Margaret Federoff, Duck Didrickson, Linda Litten, Dan Tadic (Senior Engineer) Shannon Haugland (Daily Sitka Sentinel) and other unidentified members of the public.

Chairperson Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the October 19, 2011 meeting:

MOTION: M/S Parmelee/Windsor to approve the meeting minutes for October 19, 2011.

ACTION: Passed unanimously on a voice vote.

This evening's business:

**ZONING MAP AMENDMENT
242 KATLIAN AVENUE
KAREN (LUCAS) JOHNSON**

Public hearing and consideration of a zoning map amendment at 242 Katlian Avenue to change the zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A & B.

Planning Director Williams requested the Planning Commission not take action tonight as a matter of courtesy to property owners in the area and hold a public hearing on this agenda item again on November 15, 2011. This is consistent with procedures in the past to provide for comment from affected property owners. The Assembly appreciates this approach as they want the public to have ample time to comment. There was no objection from the Chair.

Planning Director Williams reviewed the maps in detail. The proposal is to have the parcel known as 242 Katlian Street rezoned from R-1 to Central Business District. A similar request was filed in 2001, ten years ago. The positive finding Planning Commission recommendation went to the Assembly level. Similarities and differences to another recent request filed by Brian McNitt were reviewed. A letter submitted at that time by Tess Heyburn, owner of two adjacent lots, was re-submitted in the Planning Commission Packet for tonight's public hearing.

Applicant

Karen Lucas requested the surname "Johnson" be stricken from the record. Planning Director Williams advised the name must be shown as it appears on legal documents and acknowledged

the applicant's request for both names to be used. Ms. Lucas noted request is an inquiry into the possibility of getting the property rezoned because restrictions on the residential are extreme for any structure placed there. She has no definite plans for the property at this time. She has considered a variety of ideas ranging from a playground to a small old style Alaskan rooming house.

Commissioners asked staff to provide the applicant with a copy of the letter submitted by Ms. Heyburn.

Public Comment

Duck Didrickson identified himself as the last person that can claim he is born and raised and still living in his Indian Village. He provided history of the area and noted Russian geographic names of local mountains. He observed his people are still here, but the Russians are not. He stated he provides impromptu tours of Indian Village to visitors who are interested in the native history. Native elders have confirmed the history of the area. Mr. Didrickson noted he saved Herring Rock and named the remaining Clan Houses on Katlian Street. He warned that if Sitka Indian Village is chopped up, tourists will go to Hoonah, not Sitka. Mr. Didrickson urged the Commission deny the request. He thanked Commissioners.

Tess Heyburn identified herself as an owner of a speck of residential property on Kaagwaantaan Street. She expressed curiosity and concern how a rezoning of property on Katlian Street would play out on the upland side of the property on Kaagwaantaan Street, also known as Back Street. There are a lot of CBD properties along Back Street, although it still looks residential on Back Street. She observed it seems like a trend for property owners to maximize the commercial business district part of their property on Back Street, although so far it has been relatively low impact. Most have store front on Katlian Street with a residential front on Back Street. She asked if there is a policy or vision for properties that border both streets, or if it is more of a gentlemen's agreement to have a low impact on Kaagwaantaan Street.

Planning Director Williams elaborated for properties with dual frontage, there is no legal mechanism to restrict how a property owner accesses a CBD lot that borders both streets. It is up to the good nature of the property owner and recognition of the owner's best interest to refrain from providing commercial access off Kaagwaantaan. Acknowledging Mr. Didrickson knows the history of Katlian better than he, during WWII and into the 1950's, Katlian Street was Sitka's commercial center of harbor activity.

Commissioners considered the topography of the area as it would affect the architectural design of a building constructed on the property.

Planning Director Williams heard from two neighboring property owners who also expressed concern about keeping the residential nature of Kaagwaantaan Street. One neighbor also encouraged the private stairs and walkways providing access between Katlian and Kaagwaantaan Streets be a pattern continued. Another concern was that if rezoning were permitted, it would exacerbate inadequate parking. Contract zoning is prohibited in 49 states. Planning Director Williams advised against restrictions on re-zoning.

The Chair advised the matter will be brought back before the Commission at its November 15 meeting and that notification would be sent to all affected property owners.

PLANNING DIRECTOR'S REPORT

The Whitcomb Heights Plat was approved by the Assembly and the auction date is set for December 13, 2011. Public Works, particularly Dan Tadic and the contractors, were commended for their work to prepare for this auction. The prices have been set for the property. There will be some fairly minor, additional plat notes. The Assembly held with the prohibition re-subdivision of zero lot line. The grade work done by Pat O'Neill was helpful for that.

The next Planning Commission will consider the Katlian Street request. The Brian McNitt request before the Assembly was postponed for January so the applicant can be present. It may be possible to schedule the Karen Johnson request for the same Assembly meeting.

A vacancy remains on the Planning Commission.

The Assembly opted not to remand the Marco Hernandez request back to the Planning Commission. The Assembly approved the Marco Hernandez appeal. The process was a lesson in government given by the applicant, Marco Hernandez, who went into detail with information and research.

The Planning Commission continues to optimize the maps so they can be used with smaller formats, to download to a smart phone or computer tablet. Planning Director Williams will provide a demonstration next month.

PUBLIC BUSINESS FROM THE FLOOR

There was none.

ADJOURNMENT

MOTION: M/S Parmalee/Windsor to adjourn.

ACTION: Passed unanimously on a voice vote.

The meeting adjourned at 8:40pm.

Jeremy Twaddle, Acting Chair

Gail Johansen Peterson, Contract Secretary

Request:

Rezone Lot No. 21 Block No. 1 Sitka
Indian Village from R-1 to CBD

Zoning District: R-1

Front: 20 feet
Rear: 10 feet
Side: 8 feet

CBD

Subject to site plan approval

Meeting Flow

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

Tonight's Motions

- o A motion to approve
- o A motion containing findings whether the motion passes or fails

Johnson
Zoning Map Amendment R-1 to CBD
242 Katlian Avenue
December 6, 2011

Back before the board is the Johnson (also known as Lucas) zoning map amendment. There have been changes in the maps. The rezone is now for the Katlian Avenue front half of the lot to be changed to CBD and the other half that fronts Kaagwaantaan Street to remain R-1

Johnson
Zoning Map Amendment R-1 to CBD
242 Katlian Avenue
November 15, 2011

Back before the board on Tuesday night is the Johnson AKA Lucas zoning map amendment as requested at the November 1st meeting. Ms. Lucas stated that she would like the change the zoning since it would be less restricted on the uses.

There was public comment at the previous meeting. One neighboring property owner asked the commission to deny the request. He feels that if the Sitka Indian Village is chopped up, tourists will go to Hoonah, not Sitka. Another identified herself as an owner of a speck of residential property on Kagwaantaan Street. She expressed concern on how a rezoning of the property on Katlian Street would play out on the upland side of the property on Kaagwaantaan Street.

Johnson
Zoning Map Amendment R-1 to CBD
242 Katlian Avenue
November 1, 2011

This is a vacant lot on Katlian Avenue that extends through to Kaagwaantaan Street. It is across the street from the new BIHA building.

The applicant's property on Katlian Street is currently zoned R-1 single-family and duplex residential district. The applicant would like to change it to CBD central business district. The property at 242 Katlian Avenue has both CBD and R-1 zoning adjacent to it.

There was an attempt to rezone this parcel from R-1 to CBD in 2001. There were concerns of parking stated. Although the rezoning was recommended to the Assembly for approval at the Planning Commission level, the Assembly voted it down.

The previous request for this rezoning stated, "This historical pattern can only be explained by the previous planning director. Staff suspects that the zoning was made to accommodate the commercial structures that were in place when there was comprehensive review of the zoning map in 1986." The rezoning effort from 2001 was from a previous owner, Sitka Tribe of Alaska.

Since the rezoning request is an incremental expansion of an existing CBD zone, it is by definition **not** spot zoning.

The intent from the Sitka General Code for the two zoning districts is as follows:

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 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.

22.16.070 CBD central business district

A. Intent. The central business district is designed specifically for concentrated retail, personal and business services of all kinds satisfying all residents in one central location. It should further prohibit exclusive residential or industrial uses which would interfere with the development and continuation of its cohesive business purposes.

There was not any neighborhood comment on Brian McNitt's proposed rezoning. However, opposition to these types of requests appears to be growing. Staff expects that this Johnson request will prove controversial.

In the past, the Planning Commission has provided multiple opportunities for public comment when proposal generates sizeable amount of interest. Scheduling hearings at two Planning Commission meetings decreases the likelihood that the Assembly will send the matter back to the Planning Commission for additional input.

As a result, Staff suggests that the Planning Commission hold a second hearing on this request on November 15th.

Tess Heyburn
P O Box 6315
Sitka, Alaska 99835
907-738-2336
sitkatess@hotmail.com
October 24, 2011

Sitka Assembly Members and Mayor
assembly@cityofsitka.com
100 Lincoln Street
Sitka, Alaska 99835

Dear Sitka Assembly

I do not support rezoning Lot 25 (256 Katlian Street). I think Central Business District is appropriate for Katlian Street, not Kogwonton Street. I do not think it is good to have an entrance to a lounge on Kogwonton Street. Although the door could be accessed from Katlian Street it faces Kogwonton. In order to be compliant with the Americans with Disabilities Act, a fully accessible entrance will be required on Kogwonton Street. I think this is a bad precedent to set.

In March of 2000, the Assembly voted against rezoning 242 Katlian Street to Central Business District. The primary reason being its effect on Kogwonton Street. It was decided then that it was important to mitigate the commercialization of Kogwonton Street and preserve the residential neighborhood of Kogwonton Street.

Although the village is fraught with inconsistencies, Brian McNitt bought his property knowing full well its zoning and limitation. Lot 25 had been home to several businesses before he purchased it.

If Lot 25 is rezoned to Central Business District, it opens the door to more rezoning in the village. The current owner of 242 Katlian has already submitted her application to the Planning and Zoning Committee to rezone her lot to Central Business District. She purchased her lot after the Assembly voted against rezoning to Central Business District. Again she knew full well its zoning and limitations. However if the Assembly elects to rezone Lot 25 I don't think it would be fair to not rezone 242 Katlian.

In closing I would appreciate it if you would review the Assembly's March of 2000 decision against rezoning 242 Katlian. Please consider the commercial impact on Kogwonton Street.

Thank you,

Tess Heyburn

Contact Person: Karen J. Lucas
224 Katlian Ave.
Sitka, Alaska 99835
Tel. 747-7803
karenjeanlucas@yahoo.com

List Specific Request: To consider the rezoning of Lot 21, Block 1, US Survey No. 2542 A&B, Sitka Indian Village, Sitka Recording District, First Judicial District, State of Alaska, also known as Site 242 Katlian Avenue from R1, single family and duplex residential district, to CBD, central business district.

Explanation of Request: This parcel is surrounded by CBD zoned properties, and is the only remaining R1 zoned lot on this portion of Katlian Avenue. Clearly, the CBD is developing on this part of Katlian Ave. with the ANB Hall, the new Baranof Housing Authority office building across the street, Dan Stockel's commercial building, the potential rezoning of Brian McNitt's Bistro property with potential lounge above, the Mexican restaurant on Lot 236, and the long standing old Electronics Lab (now Spider's) on Lot 232. To include this parcel within the CBD is in concert with the surrounding neighborhood parcels, and would:

2.1.1. Contribute to a stable long term, local economic base by allowing development of the parcel into a potential business site increasing potential for public use within the CBD;

2.1.12. Be in concert with the use of resources, adds highest potential value to the economy; and eliminates regulations that are adverse to the communities needs.

2.1.14. Provide, maintain and improve an infrastructure to meet the needs of the community;

2.3.1. Guide the orderly and efficient use of private (and public) land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners;

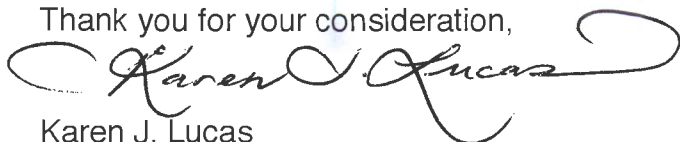
2.3.4. Minimize and resolve conflicts, between residential, commercial, recreational and industrial land uses;

2.3.6. Provide adequate land for commercial, industrial and residential growth and public use that promotes the efficient use, value and enjoyment of the waterfront environment;

2.5.2. I Encourage the development of facilities to accommodate visitors without significant impacts on residential properties.

The vacant lot has great potential to enhance that locale as a continuation of the CBD for the benefit of public use.

Thank you for your consideration,

A handwritten signature in black ink that reads "Karen J. Lucas". The signature is fluid and cursive, with a large loop at the end of the last name.

Karen J. Lucas

Karen Johnson
242 Katlian Avenue
Sitka, AK 99835

Karen Lucas
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