BOARD OF ADJUSTMENT CONVENE

1.

I move to convene as the Board of Adjustment

2.

I MOVE TO approve a Conditional Use Permit for a support facility at 491 Indian River Road submitted by Baranof Island Housing Authority subject to the following conditions recommended by the Planning Commission:

- 1. The project shall be completed in general conformance with the plans submitted in the conditional use permit to the Planning Commission.
 - a. The Planning Commission recognizes that the exact location of the building may shift after the wetlands determination has been completed and may shift in conformance with the directions of the Corps of Engineers;
- 2. Prior to the activation of the conditional use permit, the operator shall certify to the municipality, in writing, that all necessary permits have been received;
- 3. The applicant recognizes that the permit must be activated within two years of any Assembly approval, or the permit becomes void;
- 4. In addition, prior to the activation of the conditional use permit, the Planning Director shall indicate, in writing, that all permits have been received that the municipality considers necessary:
- 5. The applicant recognizes that other permits, not specifically mentioned by the municipality may be required;
- 6. The applicant shall provide a narrative on the status of the operations nine months after the activation of the conditional use permit:
- 7. The Planning Commission has an annual review of the first nine to twelve months of operation of the facility within one year of the activation of the conditional use permit. The purpose of the annual review is to determine what, if any impacts of the operation need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the Commission considers it to be necessary;
- 8. The Assembly, at its discretion, may complete an annual review if any issues are not resolved at the Planning Commission level;
- 9. The structure be located at least 30 feet from any residential structure on Andrew Hope Street;
- 10. The hours of standard operations be between 6am and 10pm Monday through Saturday with limited hours of operations outside of this timeframe and limited hours of operations on Sundays. Exceptional workload hours may be extended with prior notice to the City;
- 11. Manufacturing and/or processing is prohibited within the structure;
- 12. The applicant maintain to the fullest extent possible a natural vegetative buffer adjacent Andrew Hope Street homes;
- 13. This conditional use permit is for the construction of one 5,000 square foot building as proposed.

I MOVE TO adopt the identical findings approved by the Planning Commission at their July 19, 2011 meeting found on pages 3 and 4 of their official meeting minutes.

4.

RECONVENE

I MOVE TO RECONVENE AS THE ASSEMBLY IN REGULAR SESSION



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

TO: Jim Dinley, Municipal Administrator

Mayor Westover and Members of the Assembly

FROM: Melissa Henshaw, Planner I

SUBJECT: Conditional Use Permit for Baranof Island Housing Authority for support facility in

an R-2 MHP Zone

DATE: August 17, 2011

The Sitka Planning Commission is recommending approval with a unanimous vote of 4-0, of a conditional use permit for a support facility at 491 Indian River Road. This location is on the left-hand side of Indian River Road before Andrew Hope Street.

Baranof Island Housing Authority (BIHA) would like to construct a 50' by 100' structure that would serve as a maintenance building for their housing units in the Indian River Valley. This support facility would be for their existing programs and it is not intended to be used for public sales or services. It would only be used for internal programs. The adjacent properties that this location will house are all part of BIHA's rental programs.

The property is zoned R-2 MHP multifamily and mobile home district. The board's recommendation followed a public hearing on July 19, 2011 with the following conditions:

- 1. The project shall be completed in general conformance with the plans submitted in the conditional use permit to the Planning Commission.
 - a. The Planning Commission recognizes that the exact location of the building may shift after the wetlands determination has been completed and may shift in conformance with the directions of the Corps of Engineers;
- 2. Prior to the activation of the conditional use permit, the operator shall certify to the municipality, in writing, that all necessary permits have been received;
- 3. The applicant recognizes that the permit must be activated within two years of any Assembly approval, or the permit becomes void;
- 4. In addition, prior to the activation of the conditional use permit, the Planning Director shall indicate, in writing, that all permits have been received that the municipality considers necessary;
- 5. The applicant recognizes that other permits, not specifically mentioned by the municipality may be required;
- 6. The applicant shall provide a narrative on the status of the operations nine months after the activation of the conditional use permit:
- 7. The Planning Commission has an annual review of the first nine to twelve months of

Providing for today...preparing for tomorrow

- 8. operation of the facility within one year of the activation of the conditional use permit. The purpose of the annual review is to determine what, if any impacts of the operation need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the Board considers it to be necessary;
- 9. The Assembly, at its discretion, may complete an annual review if any issues are not resolved at the Planning Commission level;
- 10. The structure be located at least 30 feet from any residential structure on Andrew Hope Street;
- 11. The hours of standard operations be between 6am and 10pm Monday through Saturday. There may be limited hours of operations outside of this timeframe and limited hours of operations on Sundays. Exceptional workload hours may be extended with prior notice to the City;
- 12. Manufacturing and/or processing is prohibited within the structure;
- 13. The applicant maintain to the fullest extent possible a natural vegetative buffer adjacent Andrew Hope Street homes;
- 14. This conditional use permit is for the construction of one 5,000 square foot building as proposed.

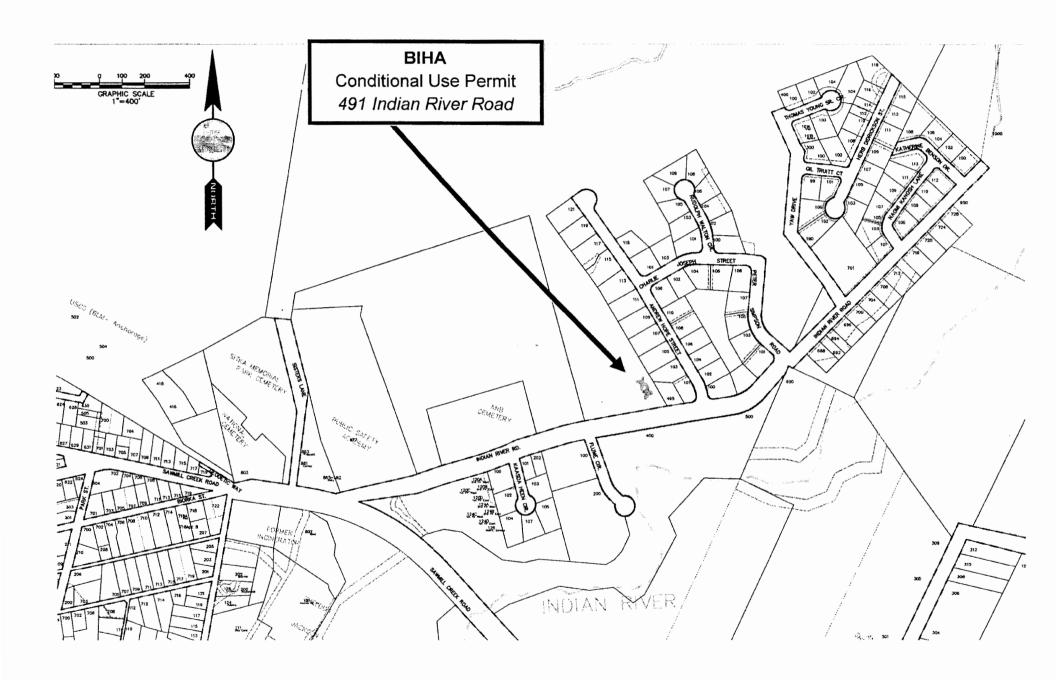
The Planning Commission finds the general approval criteria have been met and are included in the minutes that are attached.

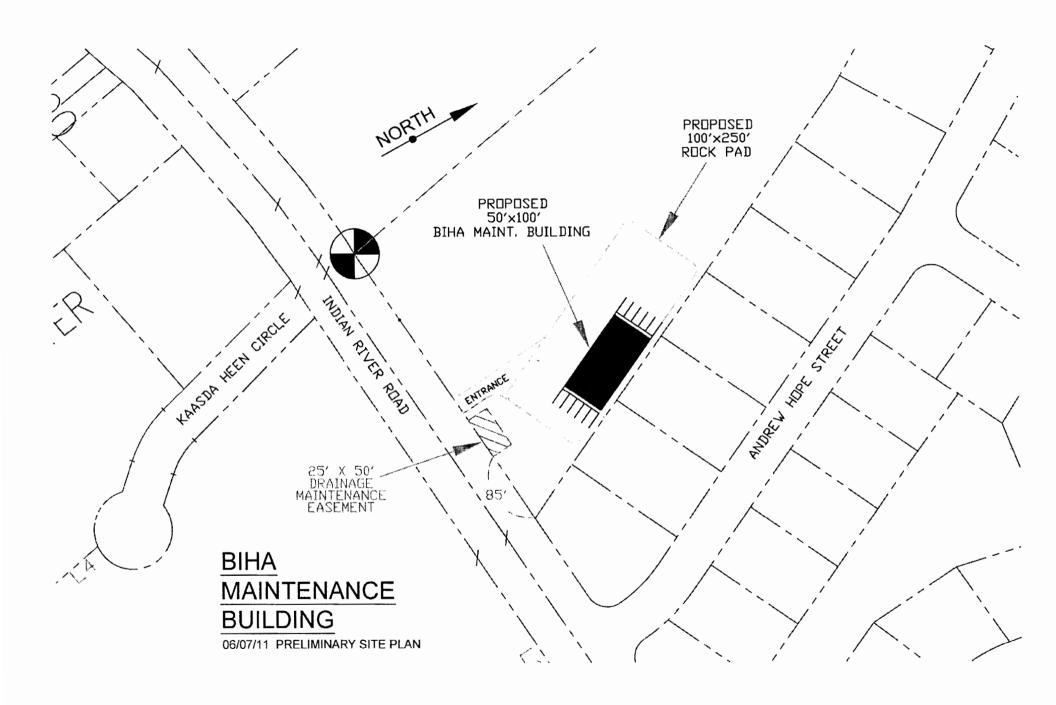
Two public comments came in letter form in support of the proposed conditional use permit along with 68 support signatures.

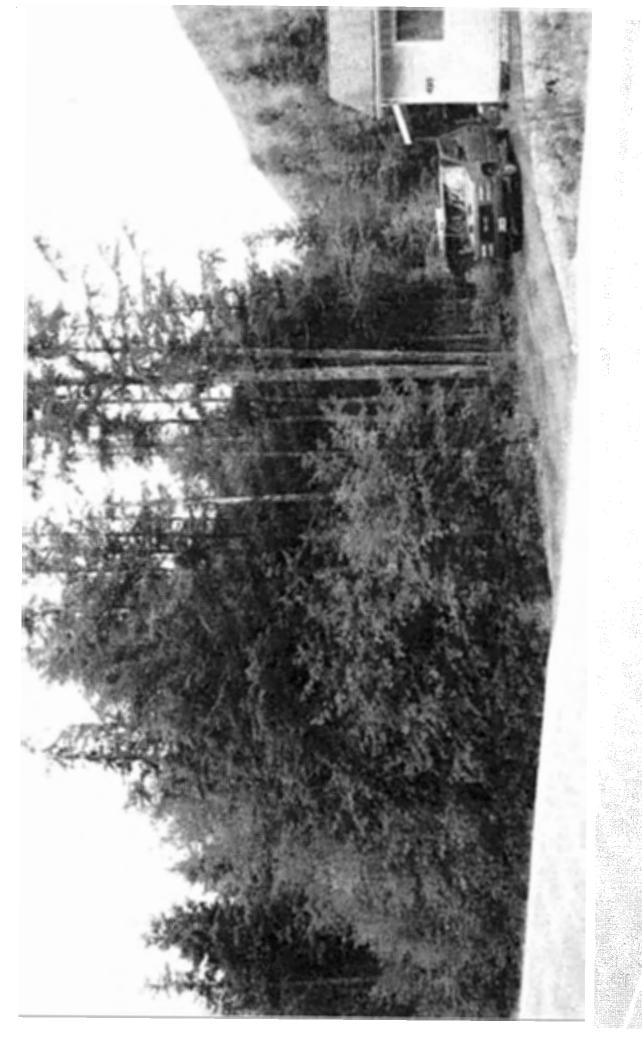
The Planning Commission held one hearing on the request.

RECOMMENDED ACTION:

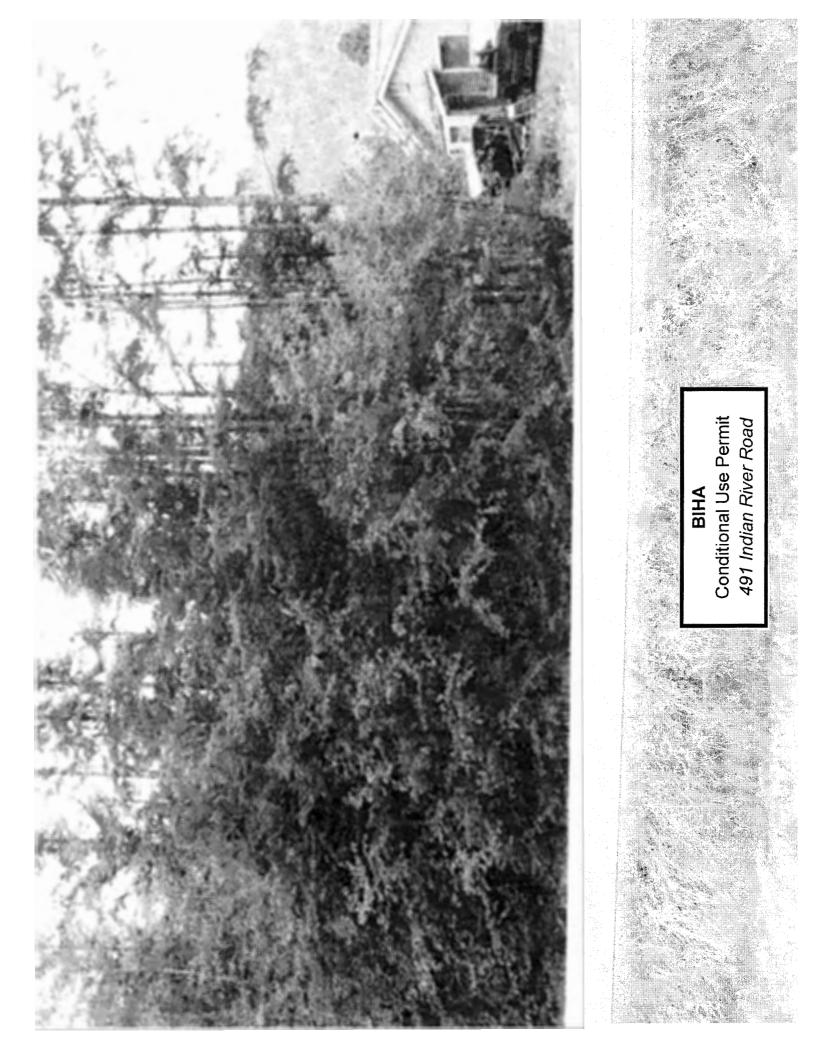
Approve the conditional use request with the conditions recommended by the Planning Commission.







BIHA
Conditional Use Permit
491 Indian River Road



City and Borough of Sitka Planning and Zoning Commission Minutes of Meeting July 19, 2011

Present: William Stortz (Chairperson), Richard Parmelee (Member), Darrell Windsor

(Member), Tom Rogers (Member), Wells Williams (Planning Director), Sara

Peterson (Deputy Municipal Clerk).

Members of the Public:

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

Consideration of the Minutes from the July 5, 2011 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for July

5, 2011.

ACTION: Motion PASSED unanimously on a voice vote.

This evening's business:

CONDITIONAL USE PERMIT REQUEST SUPPORT FACILITY 491 INDIAN RIVER ROAD BARANOF ISLAND HOUSING AUTHORITY

Public hearing and consideration of a conditional use permit request for support facility at 491 Indian River Road. The request is filed by Baranof Island Housing Authority. The property is also known as a portion of Lot 5 Sheldon Jackson College Subdivision of USS 407-B.

Planning Director Williams reviewed the request which went hand-in-hand with the previous agenda item. The area of the request is located on the left side of Indian River Road before Andrew Hope Street. This is a conditional use permit request for a support facility which based on the approved request of Item B, would be considered a conditional use permit in the R-2 MHP zoning district.

BIHA would like to construct a 50' x 100' structure at 491 Indian River Road. This structure would serve as a maintenance building for BIHA's housing units in the Indian River Valley.

Williams noted the Planning Department received letters of support from Bill Paden, Mick and Marie Dimond, and also a petition signed by individuals who were in support of the project.

Williams explained the structure sits on a large unsubdivided tract BIHA recently acquired from Sheldon Jackson College. From a practical standpoint any further development of this tract would need to go through the subdivision process.

Applicant:

BIHA Representatives, Bart Meyer and Cliff Richter, came forward. Meyer explained this would be a support facility for their existing programs, one that would meet current and future operational needs. The facility is not intended to be used for public sales or services, it would be for internal programs only.

Planning Commission Minutes July 19, 2011 Page 1 of 4 DRAFT Meyer stated the adjoining properties on Andrew Hope Street were all part of BIHA's rental programs. The duplexes were built facing Andrew Hope Street with a 30 foot wooded buffer at the rear of each property. He also noted there was a differentiation in grade between the subject property and the Andrew Hope Street properties. The Andrew Hope Street properties will sit higher than the proposed structure and surrounding area. Meyer further added they are impacted by the anadromous stream nearby.

Meyer clarified a subdivision for the large tract had not yet been developed because of the anticipation the creek and wetlands would create mitigation property, however, without a fully planned subdivision, the extent of the mitigation was unknown. BIHA has received a grant for construction of this facility.

Meyer explained BIHA's philosophy in development was to maximize the compatibility of what they had while at the same time minimizing impacts on the surrounding neighborhood. He added there would not be much outdoor activity.

Richter noted the drainage easement on the plat along Indian River Road would also provide a buffer.

In response to a question by Commissioner Rogers, Meyer commented it would be more feasible for Andrew Hope Street to be extended in the future to create further access to the large BIHA land tract rather than punching in an access road from the proposed structure.

Meyer said BIHA is in the process of obtaining wetlands determination.

Stephen Weatherman, Municipal Engineer, stated there were no negative impacts from the Public Work's Department point of view.

Public Comment: None

MOTION: M/S Rogers/Parmelee to recommend approval of a conditional use permit request filed by Baranof Island Housing Authority for 491 Indian River Road with the following conditions:

- 1. The project shall be completed in general conformance with the plans submitted in the conditional use permit to the Planning Commission.
 - The Planning Commission recognizes that the exact location of the building may shift after the wetlands determination has been completed and may shift in conformance with the directions of the Corps of Engineers;
- 2. Prior to the activation of the conditional use permit, the operator shall certify to the municipality, in writing, that all necessary permits have been received;
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- 6. The applicant shall provide a narrative on the status of the operations nine months after the activation of the conditional use permit;
- 7. The Planning Commission has an annual review of the first nine to twelve months of operation of the facility within one year of the activation of the conditional use permit.

- The purpose of the annual review is to determine what, if any impacts of the operation need to be mitigated. The Planning Commission, by its own motion, may undertake a second annual review if the Board considers it to be necessary;
- 8. The Assembly, at its discretion, may complete an annual review if any issues are not resolved at the Planning Commission level;
- 9. The structure be located at least 30 feet from any residential structure on Andrew Hope Street:
- 10. The hours of standard operations be between 6am and 10pm Monday through Saturday with limited hours of operations outside of this timeframe and limited hours of operations on Sundays. Exceptional workload hours may be extended with prior notice to the City:
- 11. Manufacturing and/or processing is prohibited within the structure;
- 12. The applicant maintain to the fullest extent possible a natural vegetative buffer adjacent Andrew Hope Street homes;
- 13. This conditional use permit is for the construction of one 5,000 square foot building as proposed.

ACTION: Motion PASSED 4-0 on a voice vote.

Staff recommended findings in support of the approved recommendation. The Planning Commission finds the general approval criteria have been met as follows:

- 1. The conditional use permit recognizes the soil topography and geophysical conditions as referenced by the Corps of Engineers permit;
- 2. The utilities are adequate in the immediate area since the property is adjacent to Indian River Road:
- 3. The property is of sufficient size to accommodate the proposed use;
- 4. The adjacent properties will not be adversely affected as a result of the proposed conditions for approval;
- 5. The community appearance will not be adversely affected by evidence of the condition to maintain a vegetative buffer and the natural stream;
- 6. The Planning Commission finds the proposed use is supported by the record and the conditional use will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity due to the presence of wetlands which prevent immediately adjacent development;
 - c. The project will not be injurious to improvements in the immediate area.
- 7. The Planning Commission finds the conditional use is consistent with the Comprehensive Plan Policies 2.3. 8. and 2.4.1.
- 8. All conditions are necessary to lessen any impacts of the proposed use;
- 9. The proposed use will not introduce hazardous conditions at this site;
- 10. The conditional use is supported by adequate public facilities;
- 11. The applicant has met the burden of proof;
- 12. The Planning Commission has used the following criteria in determining the impacts of the uses:
 - a. The Planning Commission has considered the amount of vehicular traffic that will be generated and evaluated it's consistent with the presence of Indian River Road:
 - b. The Planning Commission has considered the amount of noise to be generated and has taken that into account by the limiting of hours of operation and the use of the facility;
 - c. The odor generated will not adversely affect the adjacent properties;

- d. The Planning Commission has imposed hours of operation on the facility in recognition that those hours may be modified slightly but will the limit the impacts on adjacent properties;
- e. The project is adjacent to an arterial street;
- f. The Planning Commission has been aware of access to the site for the residential areas even though specific conditions have not been imposed to eliminate access to the site through the adjacent residential areas;
- g. The Planning Commission has considered the effects of vehicular and pedestrian safety due to the presence along Indian River Road;
- h. Emergency personnel have the ability to respond to the site due to its location on Indian River Road:
- i. The Planning Commission has considered internal layout of the property;
- j. Signage is not considered to be an issue;
- k. The Planning Commission has encouraged natural vegetative buffers on the property;
- I. The Planning Commission has determined elsewhere in the findings the proposed project is consistent with Comprehensive Plan Policies 2.3.8 and 2.4.1:
- m. Public comment has been received on the proposal in favor of the proposal as evidenced in the written testimony.

MOTION: M/S Rogers/Parmelee to approve the above findings.

ACTION: Motion PASSED 4-0 on a voice vote.

ADJOURNMENT

MOTION: M/S Parmelle/Wi	ndsor moved to adjourn at 8:30 p.m.			
ACTION: Motion PASSED 4-0 on a voice vote.				
William Stortz, Chair	Sara Peterson, Secretary			

Request:

Conditional use permit request for support facility in R-2 MHP zone.

Zoning District: R-2 MHP

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

Meeting Flow

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

Tonight's Motions

- o A motion recommending approval is suggested
- Move to approve findings in support of recommended approval or denial

Baranof Island Housing Authority Conditional Use Permit

491 Indian River Road July 19, 2011

This request is also back before the board going hand-in-hand with the previous item. This is a conditional use permit request for the zoning text change item. If the zoning text addition of a support facility passes then this request will be up for approval.

The area to this location is on Indian River Road on the left hand side just before you get to the housing and before Andrew P Hope Street.

This is a conditional use permit request for a support facility which is/will be a conditional use in a R-2 MHP zoning district.

BIHA would like to place a structure 50 by 100 feet at 491 Indian River Road. There would be buffers along the road as they will keep the trees and have a driveway going to this building off of Indian River Road. This structure will be a maintenance building for their housing units in the Indian River Valley and also to support their weatherization program.

The Planning Office is recommending a motion to recommend approval of this conditional use permit and that it is consistent with the Comprehensive Plan Policies 2.4.1 To encourage diverse housing types and densities, and 2.3.8 To seek out ways to make housing more affordable for all Sitkans through various measures.

Baranof Island Housing Authority
Conditional Use Permit

491 Indian River Road June 21, 2011

ITEM WAS PULLED FROM THE AGENDA The location to this request is on Indian River Road on the left hand side just before you get to the housing and before Andrew P. Hope Street.

BIHA would like to place a maintenance building at 491 Indian River Road which is the wooded area just before the house at 495 Indian River Road. This is so that their maintenance building can be near their housing in the Indian River Valley to support their rentals and other housing programs. It will house construction materials, tools and related equipment for maintenance and construction purposes.

This request is in conjunction with the previous item on the agenda. If the text change passed, then BIHA can move forward with this conditional use permit for their location at 491 Indian River Road.

The proposed structure will be a single story 50 by 100 foot building. The structure will be screened with trees and shrubs and tucked back to limit visibility of the structure from Indian River Road.

The Planning Office is recommending a motion to recommend approval of this conditional use permit and that it is consistent with the Comprehensive Plan Policies 2.4.1 To encourage diverse housing types and densities, and 2.3.8 To seek out ways to make housing more affordable for all Sitkans through various measures.

Sitka Planning Commission

Dear Sirs,

When I was elected to the Assembly in October, 2002 one of the issues high on the list at our "Visioning Session" was Affordable Housing. I'm sure that every Assembly since has, at one time or another, had affordable housing on their agenda.

Since 1980 Baranof Island Housing Authority has been the most active affordable housing provider in Sitka. They provide housing for both Native and Non Native members of our community. The Indian River Subdivision is arguably the best maintained neighborhood of it's type in the State of Alaska. As shown by their past performance BIHA keeps it's properties neat and clean. They are a proven good neighbor.

Now is the chance for the Planning Commission to show initiative and issue BIHA a Conditional Use Permit for their proposed maintenance facility on Indian River Road. This facility will be very low impact both practically and visually. There will be a buffer of trees on both the Indian river Road and Andrew Hope Street so it will not be seen from these areas and BIHA has only 4 maintenance people that will be using the facility. There will be very little traffic in and out of the proposed facility.

Now is not the time to make their mission harder it is time for the City of Sitka to assist BIHA, the largest affordable housing provider in Sitka, in their efforts to provide housing and maintain it to the high standards they have set for themselves.

Respectfully,

Bill Paden

610 Etolin Street

Sitka

July 19, 2011

Planning Department Attn: Wells Williams City & Borough of Sitka 100 Lincoln Street Sitka, AK 99835

Members of the Sitka Planning Commission,

We are writing to voice our support for BIHA's upcoming construction project. It has come to our attention that BIHA has received a grant to build a new maintenance garage at 491 Indian River Road just before Andrew Hope Street. We live in the Indian River neighborhood and we have no issues with the project as proposed. A new maintenance building will allow BIHA to better support and care for its homes and its people in the Indian River area and throughout our community. The preliminary site plan addresses the need for privacy for the existing homes as well as other surrounding properties. It will not be seen as a detriment to surrounding properties as it will not be a visual distraction or interfere with the present zoning regulations. Please take into account the public support for this project when you vote on this issue at your next meeting. Thank you.

Sincerely,

W. E. Mick and Marie Dimond 100 Indian River Road, Apt. D

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It has come to my attention that Baranof Island Housing Authority (BIHA) has received a \$600,000 Indian Community Development Block Grant (ICDBG) from HUD for the purpose of constructing a maintenance building at 491 Indian River Road. The building would support BIHA's existing maintenance, weatherization and construction activities for homes located primarily within the Indian River neighborhood, but also Sitka's Indian Village and, to a lesser extent, the community of Sitka as a whole.

I firmly believe that BIHA provides a very valuable service to the people of Sitka – a service that is otherwise unavailable to us. I fully support the purpose and proposed location of BIHA's project at 491 Indian River Road so that BIHA can continue to support its constituency to the highest level possible. This "support facility" will solidify BIHA's presence and good efforts in providing affordable housing opportunities in Sitka for years to come. It is my understanding that a Conditional Use Permit must be must be granted by the City of Sitka in order for this support facility to be constructed within the R-2 residential zone. Members of the Planning Commission, please approve BIHA's plans for this project at your next scheduled meeting on Tuesday evening at 7:00pm, July 19, 2011 at Centennial Hall. Thank you for your support!

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3) James Huls	10: Andrew Hope St Site
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17) Truck Acros	434 Carlina Smeet
18) Rich Didricks	a 618 Merrill st.
19) m WA7	712 BLORKA ST.
20) Dale I William	, 204 Princess Way

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5) Pather Wally	5 MaksoutoffSt Si+K2
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7) James M. Mor	~ 101 Katherine Big-son Dr.
B) Rick Rober	0103 Peter Singson Pd Sitter
9) CLIF RICHTER	503 HIGHLAND ST
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Name Jell Rolling Address	
1) Bill Paden 610 Etolin St.	Sitke
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CITY AND BOROUGH OF SITKA PLANNING DEPARTMENT Conditional Use Permit FEE \$100.00 CONDITIONAL USE PERMIT APPLICATION *plus current city sales tax* APPLICANT'S NAME: MAILING ADDRESS: OWNER'S NAME: (If different from applicant) PHONE NUMBER: MAILING ADDRESS: PROJECT ADDRESS: LEGAL DESCRIPTION 5 Block: Subdivision: SHELDON U.S. Survey: Zoning Classification: List specific request: State all reasons for justifying request: ULLDING List all features and details of request: BULDING State the schedule and timing of request: CDR USE 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: SIGNATURE OF OWNER:

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

(If different from the applicant)

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Baranof Island Housing Authority

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Keith Harger/Margaret Austin 104 Kaasda Heen Circle Sitka, AK 99835

Maureen O'Halloran 101 Kaasda Heen Circle Sitka, AK 99835

Rivers Edge Property, Inc. 701 Indian River Road Sitka, AK 99835

Daniel/Janet Evans 611 Etolin Street Sitka, AK 99835

Robert/Rose Gamble 108 Herb Didrickson Street Sitka, AK 99835

Ricardo/Kathryn Paden 103 Peter Simpson Road Sitka, AK 99835

Zachary Forst 109 Rudolph Walton Circle Sitka, AK 99835

Frank/Sharon Joseph 108 Charles Joseph Street Sitka, AK 99835

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