



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Wednesday, July 19, 2023

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Darrell Windsor (Acting Chair), Stacy Mudry, Wendy Alderson, Thor Christianson (Assembly liaison)
Excused: Chris Spivey, Katie Riley
Staff: Amy Ainslie, Coral Crenna
Public: Leah Mason, Andrea Fraga, Nathaniel Snyder, Jay Kendall, Tom Jones, Lisa Sadleir-Hart, Ken Davis, Noah Spickelmier, C.C. Clark, Barbara Bingham, Jay Stelzenmuller, Charles Bingham (Telephonic)

Acting Chair Windsor called the meeting to order at 7:01 PM.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 23-10](#)

**M/Mudry-S/Alderson moved to approve the June 7, 2023, meeting minutes.
Motion passed 3-0 by voice vote.**

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie provided Commissioners with a copy of a letter that had been distributed downtown regarding sidewalk obstructions. The letter was written in conjunction with the Administrator and the Police Department in response to sandwich board signs and other items that were obstructing the downtown sidewalks. The letter had been mailed and delivered to downtown businesses by Planning staff. Windsor inquired if the sidewalk letter was online. Staff advised it was on the current news section on the city's website homepage.

Ainslie also gave an overview of a memorandum included in the Commission's packet which provided notice of an easement vacation at 738 Alice Loop.

B [MISC 23-09](#)

Notice of vacation of utility easement located at 738 Alice Loop. The property is also known as Lot four (4B), CJ Subdivision. The property owner is Christine McGraw.

VI. REPORTS**VII. THE EVENING BUSINESS****C** [VAR 23-07](#)

Public hearing and consideration of a zoning variance request to reduce the front setback from 14' to 5' at 3516 Halibut Point Road in the R-1 MH single-family, duplex and manufactured home zoning district. The property is also known as Lot Two (2) Shuler Subdivision. The request is filed by Ken Davis. The owner of record is Ken Davis.

Ainslie introduced an application for a variance to reduce the front setback from 14' to 5' at 3516 Halibut Point Road. The applicant wanted to build a garage on the approximately 7,900 square foot property; the placement was restricted due to the lot characteristics and existing structures. The property had two fronts, one on Halibut Point Road and one on Shuler Drive along with two driveways. The slope of the lot along with the orientation of the existing home made the northeast corner the only practical, buildable area. Further restrictions were the requirement of a 5' fire separation between the free-standing garage and the house, the desire to not overly constrict access to the rear of the property.

Ainslie stated that the reduction of front setbacks can be problematic for garage placements if the doors are oriented parallel to a right-of-way (ROW), as visibility of vehicle ingress and egress can be impaired. The garage in this request had oriented the door of the garage perpendicular to the ROW, meaning that vehicles would be on the property when entering or exiting the garage, not backing into the ROW. Ainslie further described that the lot was not square and only a corner of the garage near Shuler Drive would be 5' from the property - the property line angled away from the structure. The unique circumstances presented by the lot characteristics and existing structure provided the justification for the variance reduction request. Staff recommend approval.

The applicant, Ken Davis, had nothing further to add beyond the staff report. There was no public comment. Commissioners had no discussion.

M/Mudry-S/Alderson moved to approve the zoning request for a reduction to the front setback from 14' to 5' at 3516 Halibut Point Road in the R-1 MH single-family, duplex and the manufactured home district subject to the attached conditions of approval. The property was also known as Lot Two (2) Shuler Subdivision. The request was filed by Ken Davis. The owner of record was Ken Davis. Motion passed 3-0 by voice vote.

M/Mudry-S/Alderson moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 3-0 by voice vote.

D [CUP 23-12](#)

Public hearing and consideration of a request for a conditional use permit to operate a food truck at 330 Seward Street in the CBD central business district. The property is also known as Lot 1, of Shee Atika Subdivision. The request is filed by Nathaniel Snyder and Cooper Hardin. The owner of record is SCOJO, LLC.

Ainslie introduced a request for a conditional use permit for a food truck to be placed in the parking lot between the Westmark Hotel and Moose Lodge. This was a popular

spot for other temporary food cart vendors. The applicants had proposed using a parking space in the lot adjacent to Lincoln Street for their food truck. The proposed hours of operation were from 10am to 5pm. The applicants were not using a generator or cooking on site, all cooking would take place off-site at a commissary kitchen. Menu items would consist of cold sandwiches, pastries, and drinks which featured local products.

Potential impacts included increased vehicle and pedestrian traffic which was expected in the central business district (CBD). There were also no parking requirements in the CBD, so placement of the truck would not deduct from required parking. There were some possible effects on pedestrian safety during non-closure days when the food truck could impact use of the sidewalk. Staff followed up with the applicants and advised them to keep the sidewalk clear of queuing customers and provided guidelines for the placement of their sandwich board. Staff recommended approval.

Applicants Nathaniel Snyder and Cooper Harden were present. Snyder explained they had been operating at this location with a cart and tent. They had been using the truck for the hand washing facilities. Alderson asked the applicants if they would continue using the tent and how would the customers lineup. Snyder stated would like to keep using the tent when especially when its raining out. They would queue customers towards the tent and back from the sidewalk.

Public comment from Jay Stenzenmuller was in support, stating the more food trucks the better. Windsor had some concerns about access to and from the parking lot, but Commissioners ultimately agreed the driveway would still be accessible and usable.

M/Alderson-S/Mudry moved to approve the conditional use permit for a food truck at 330 Seward Street in the central business district, subject to the attached conditions of approval. The property was also known as Lot 1, of Shee Atika Subdivision. The request was filed by Nathaniel Snyder and Cooper Harden. The owner of record was SCOJO, LLC. Motion passed 3-0 by voice vote.

M/Alderson-S/Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 3-0 by voice vote.

E [LM 23-01](#)

Planning Commission review and recommendation on a lease request for municipal lands located at 601 Halibut Point Road (adjacent to Osprey Street) and 101 Jarvis in the P Public lands district. The lots are also known as Lots 3, 4, 10, 11, 12, Block 6, Replat No. 1, Dan Moller Subdivision, and a portion of Tract Four B (4-B), Alaska State Land Survey No. 81-21. The request is filed by Transition Sitka and Sitka Local Foods Network. The owner of record is the City and Borough of Sitka.

Ainslie introduced a lease request for City and Borough of Sitka (CBS) property for two community gardens sites at 601 Halibut Point Road adjacent to Osprey Street and 101 Jarvis Street. The applicants were two non-profit organizations, Transition Sitka and the Sitka Local Foods Network. These organizations would be the host for the community gardens as they had overlapping interest in food security. The applicants had criteria they used when looking for land to lease. This included sites that were at least a half-acre in size, had good southerly exposure, not overly steep or irregular, be reasonably accessible to neighborhoods, had access to municipal utilities and the community-at-large was generally supportive.

The Osprey Street location was next to the Vilandre Ballfield in a moderately dense residential neighborhood. Access would be from the south driveway to Blatchley Middle School. The Jarvis Street location was in a large open space uphill from CBS facilities and next to an industrial area. This development was still in the conceptual design process, and therefore it was too soon to evaluate design specifics. Ainslie listed several questions that needed to be answered before leasing the property: should CBS lease municipal lands for community gardens, are these selected sites a good location, and what were the terms or conditions for the lease? The Planning Commission could then make a recommendation to the Assembly, who would provide direction to staff. Windsor asked if this was the only time the proposal would come before the commission and Ainslie suggested the commission should review the proposal again once the applicants had finalized the design. The recommendation needed at this point was to determine if these were suitable locations for community gardens.

Ainslie described the Osprey site as heavily vegetated, with the southern end appearing dryer with large trees and the interior appeared to be muskeg. There would need to be a conversation regarding parking as there were potential conflicts with recreation and school activities. Wetlands mitigation would be needed as well. The Jarvis site had more wetlands and had good sun exposure. It was adjacent to Mental Health Trust lands that were being leased to the Homeless Coalition. This use was defined as horticulture and was a permitted use in the public lands zoning district. There were no directly defined parking requirements in the code related to horticulture; the closest interpretation staff could find was an assembly or community hall, which required one parking space for every ten seats. Staff recommended requiring one parking space per ten garden plots.

CBS conducted an internal department review of the proposal and a community town hall had been conducted to gather feedback and recommendations. Staff compiled a list of concerns which included wetlands on site, drainage, bear and pest attraction, environmental impact, site remediation, parking conflicts with the ballfield, restroom availability, and visual impacts on neighbors. Mitigation of these concerns could include US Army Corps of Engineers regulations and permitting, an engineered drainage plan, site fencing, pest control measures, storm water treatment plan, policies on pesticides, hours of operation, site remediation plans, parking plan, use agreements for access to restrooms, and landscaping or preservation of vegetative buffers.

Ainslie stated community gardens were in the comprehensive plan to be allowed in undeveloped municipal park space which fit the Osprey location. The Jarvis location was functioning as open space which also met the intent of the comprehensive plan. Ainslie explained the prevalence of wetlands on both sites may be a limiting factor for the development but the lease structure could accommodate the lessees exploration and planning phases. It would also create a means to ensure concerns are addressed. A long-term lease was requested but staff recommended an initial shorter lease of 3 years with a list of requirements that had to be completed before any renewals could be executed. Staff recommended approval.

Applicants Leah Mason, Barbara Bingham, Charles Bingham were present. Mason spoke to the community aspect of having a community garden within walking distance of a neighborhood. Barbara Bingham stated they spent time canvassing both locations and they had been reaching out to the public over the past year and enthusiasm for the project seemed high. They were not asking for funding from the city and would be looking to apply for grants. Charles Bingham explained many people lived in locations

where gardening was not available and this would increase their food security. Public comments from Jay Stelzenmuller, Lisa Sadleir-Hart, Andrea Fraga were in support of the proposal. Tom Jones and Jay Kendall were against the proposal, and letters read into record from Jo Crolepy, Cyndi and Scott Cassidy were also against the proposal. Those opposed spoke specifically about the Osprey Street location, voicing concerns regarding the loss of the greenbelt which provided visual and sound buffers to the highway and school, the possible impacts of subsidence that could result, and increased traffic.

Alderson discussed costs and availability of food in the community, and was in support of both locations. Commissioners discussed the challenges of some of the sites including neighborhood impacts and the expense of developing in muskeg areas. Windsor and Mudry were both in favor of the Jarvis Street location, but opposed to the Osprey Street location. The Commission concluded 1) that CBS should continue to make lands available for community gardens and horticulture, 2) that the Jarvis Street location could be suitable but had mixed feelings on the Osprey Street site, and 3) a lease agreement for a community garden should have an initial term in which permitting, drainage planning, and site design can take place, but that those should be completed and approved before any use or development of the site.

No action was taken.

VIII. ADJOURNMENT

Hearing no objections, Acting Chair Windsor adjourned the meeting at 9:12 PM.