



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Richard Parmelee
Taylor Colvin

Tuesday, December 19, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM.
Present: Spivey, Windsor, Parmelee, Hughey, Knox (Assembly liaison)
Absent: Colvin - excused
Staff Present: Scarcelli (Director), Pierson (Planner I)

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM-35](#) Approval of the December 5, 2017 meeting minutes.

Hughey/Parmelee moved to APPROVE the December 5, 2017 meeting minutes.
Motion PASSED 4-0.

IV. PERSONS TO BE HEARD

Scarcelli stated that items D, H, I, and K have been pulled.

V. PLANNING DIRECTOR'S REPORT

B [MISC 17-39](#) Director's Report - December 19, 2017

Planning Director Michael Scarcelli gave an overview of the two public meetings held December 14 for the hazard mitigation plan update and explained the purpose of the plan. The city has contracted with Jill Missal to complete the hazard mitigation plan. Scarcelli announced the special meeting scheduled for January 11. Scarcelli announced that he will be attending a smart growth conference and Pierson will be attending a hazard mitigation training. Scheduling constraints and the 9-month game plan for code updates may necessitate occasional special meetings. Scarcelli stated that staff have made amendments to Item F. Scarcelli stated that there were issues with scanning items into the packet, but those corrections have been made.

VI. REPORTS

VII. THE EVENING BUSINESS**C** [CUP 17-21](#)

Public hearing and consideration of a conditional use permit for an 8-guest lodge and commercial dock on Middle Island. The property is known as Lots 3, 4, and 5, Block 1, Middle Island Subdivision. The property is zoned LI Large Island. The request is filed by Michael Coady. The owner of record is William Robinson Trust.

Applicant Mike Coady joined the meeting via phone.

Commissioner Parmelee recused himself as an owner of a Middle Island property.

Scarcelli passed out public comment received from Scott and Cleo Brylinsky and gave an overview of the proposed lodge and commercial dock. Scarcelli showed photos, floor plan, as-built survey, and the recorded plat. Scarcelli discussed the site visit attended by planning and building staff. Existing encroachments into the public pedestrian easement will need to be rectified. Scarcelli discussed past precedence as well as concerns for noise, trespass, encroachment, and septic. Scarcelli discussed the state vacation process and the requirement to provide "best alternative means" for public access. Staff recommend approval subject to conditions listed in the staff report. Scarcelli reviewed findings and conditions of approval. Occupancy will not be permitted until the conditions are met. Windsor asked who verifies that conditions of approval are met, and Scarcelli stated that staff track these.

Travis Vaughan stated that he represents Michael Coady as realtor. Coady joined via phone. Vaughan read conditions of approval 16-20 aloud. Vaughan stated appreciation that city staff visited the property and have worked toward a solution for economic development. Coady stated appreciation for the commissioners' time. Hughey asked if the applicants are agreeable to not using float planes or helicopters, and Vaughan nodded yes.

No public comment.

Windsor/Hughey moved to APPROVE findings that

- 1. As presented, the applicant has not met their required burden of proof to show that as proposed the project would:**
 - a. comply with the Comprehensive plan,**
 - b. comply with all applicable codes and regulations, and not negatively impact the public's health, safety, and welfare.**
- 2. As modified by the attached conditions of approval, if the applicant completes those, it can be found the applicant would meet their burden of proof regarding all applicable approval criteria.**
- 3. As modified by the attached conditions of approval, the proposed development would not be detrimental to the public's health, safety, and welfare.**
- 4. As modified by the attached conditions of approval, the proposed development would not adversely affect established character of the surrounding vicinity.**
- 5. As modified by the attached conditions of approval, the proposed development would not be injurious to the uses, property, or improvements adjacent to and in the vicinity of the proposed development.**
- 6. As modified by the attached conditions of approval, the proposed development is consistent and comports with the Comprehensive Plan's goals, objectives, and policies, specifically various goals and objectives that support**

accommodation for visitors, promote economic development, direct balancing different uses through conditions, and protection of the public's health, safety and welfare.

7. As modified by the attached conditions of approval, all conditions necessary to lessen any impacts are conditions that can be monitored and enforced.

8. As modified by the attached conditions of approval, the proposed development will not introduce hazardous conditions that the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public, health, safety, and welfare of the community from such hazards.

9. As modified by the attached conditions of approval, the proposed development will be supported by and not adversely affect adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

Motion PASSED 3-0.

Windsor/Hughey moved to **APPROVE**, subject to the attached conditions of approval, a conditional use permit for an 8 guest lodge and commercial dock on Middle Island. The property is known as Lots 3, 4, and 5, Block 1, Middle Island Subdivision. The property is zoned LI Large Island. The request is filed by Michael Coady. The owner of record is William Robinson Trust.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection conducted by the Building Official/Fire Marshal. This must be completed and evidence submitted to the Planning Department before guests are housed.

2. The facility shall be operated consistent with the scope of the approval of the request including any modifications made by these conditions.

3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, number of guests, any complaints or issues, remittance of tax. The report is due within thirty days following the end of the reporting period.

5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

6. A 6 month Planning Commission review will be scheduled to assess progress toward initiating required conditions, acquiring required permits, and to address any impacts to neighboring properties. At this review, should a material condition not be met, it will be the intent of the Planning Commission to revoke the conditional use permit.

7. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

9. The property owner shall register for and maintain a utility account for garbage disposal and submit written evidence to Planning Department.

10. The property owner shall maintain/install/upgrade water and sewage equipment to meet Alaska DEC standards and shall submit written evidence to Planning Department. This must be completed and evidence submitted to the Planning Department before guests are housed or building occupancy occurs. Specifically, the deficiency of the existing septic system including but not limited to the outfall pipe shall be remedied prior to any activation of the

conditional use permit and granting of the required occupancy.

11. Within 3 months, the property owner shall initiate process with Alaska Department of Natural Resources (or applicable state division) to remedy encroachments into the 50 foot pedestrian access easement and shall submit written evidence to Planning Department. If encroachments are not remedied to DNR and CBS's satisfaction within 2 years of permit approval, the permit shall lapse. In other words, the applicant has up to three months to initiate the process and up to 2 years to complete the process or the approval with lapse.

12. The property owner shall work with Alaska Department of Natural Resources and any other required state or federal jurisdiction (e.g. US Army Corp of Engineers) to get an approved, permitted, legal, commercial dock permit. This must occur before the conditional use permit is activated and commercial occupancy granted. Applicant shall submit written evidence to Planning Department of such permit prior to issuance of any local certificate of occupancy. Denial of the dock permit may be grounds for revocation of the conditional use permit for the lodge and/or commercial dock.

13. Commercial dock approval by all applicable jurisdictions must occur before the conditional use permit is activated and commercial occupancy granted.

14. Failure to comply with any of the above conditions may result in revocation and/or failure to activate the conditional use permit.

15. All lots shall remain in common ownership or the conditional use permit shall become void.

16. There shall be no use of the lodge, land, or adjacent tidelands that includes any float plane or helicopter use, arrivals, departures, or fly-overs.

17. Clients shall be briefed on lodge operations, safety plan, and all applicable conditions of approval so as to avoid conflict or impact to adjacent neighbors.

18. All lots shall remain in common ownership or all conditional uses shall become void.

19. Discharge of firearms shall follow all local, state, and federal regulations and shall avoid negligent discharge such as shooting into neighboring properties, shooting at night, or shooting over the water.

20. Fireworks and other similar causes of loud noises shall be avoided.

Motion PASSED 3-0.

D VAR 16-16

Public hearing and consideration of a variance request for 1415 Davidoff Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the front setback from 20 feet to 0 feet and the reduction of the easterly side setback from 8 feet to 0 feet. The property is also known as Lot 3 of Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Venneberg Family Trust.

Item pulled prior to hearing.

E [LM 17-04](#)

Public hearing and consideration of a long-term Class III tideland lease request for tidelands adjacent 4319 Halibut Point Road and 104 Pirates Way. The property is also known as ATS 1300. The property is zoned C-2 general commercial mobile home district. The request is filed by Larry McCrehin. The owner of record is City and Borough of Sitka.

Planner I Pierson described the request for lease of tidelands adjacent 4319 Halibut Point Road and 104 Pirates Way. The applicant, Larry McCrehin owns both uplands properties. McCrehin originally leased the parcel from DNR, then DNR transferred the parcel to the municipality. The original lease expires in early 2019 and McCrehin seeks a new lease. Pierson stated that the applicant had some concerns for the property

assessment and resulting lease payment amount. The Planning Commission's role is to make a recommendation to the Assembly on the matter. Staff recommend approval of a 30 year lease.

Applicant Larry McCrehin stated concern for the increase in tideland lease fee and stated interest in purchasing the property. McCrehin stated concern for the anticipated increase in his property taxes. McCrehin requested a 50 year lease term to aid in a possible future sale. McCrehin stated that several of his friends are moving out of town due to costs of living.

No public comment.

Scarcelli asked Pierson to clarify the terms requested by McCrehin on the submitted application. Pierson stated that McCrehin requested a 50-year term if possible, with a 30-year term as a back-up. Hughey stated he doesn't believe the parcel is likely to be used for any uses other than the proposal. Spivey stated that leases of at least 30 years are acceptable for lenders. Windsor asked about the status of the lease in the event that uplands are sold. Scarcelli stated that is a question for the Municipal Attorney, but it depends upon the terms of the lease. Hughey asked about the ownership of 104 Pirates Way, and Pierson clarified that both uplands properties are owned by the applicant.

Hughey/Parmelee moved to RECOMMEND approval of a 50 year Class III tideland lease for tidelands adjacent 4319 Halibut Point Road and 104 Pirates Way. The property is also known as ATS 1300. The request is filed by Larry McCrehin. The owner of record is the City and Borough of Sitka. Motion PASSED 4-0.

F VAR 17-14

Public hearing and consideration of a variance request for 612 Sawmill Creek Road. The request is for the reduction in the rear setback from 10 feet to 5 feet and the increase in lot coverage from 35% to 45% for the construction of a 26 foot by 27 foot house expansion with garage on a 4648 square foot lot. The property is also known as Lot 5 Block 22 US Survey 1474. The request is filed by Zach Porter. The owner of record is Michael Sibayan.

Commission took a 10 minute recess to receive an updated staff report and printed public comments.

Scarcelli described the variance request. The proposed increase of impervious surfaces could create drainage impacts which can be mitigated by conditions of approval. Scarcelli described the substandard sized lot and existing standards. Scarcelli stated that the comprehensive plan process has trended toward increased density in downtown neighborhoods. Currently existing are a single family home, shed, tarp storage, and side awning (required a variance). This variance could void prior approved variances. Scarcelli stated that a 2 foot setback reduction could be approved administratively.

Zach Porter clarified that the shed and covered awning will be removed. Porter stated that gutters will drain toward the street. Porter stated that the side awning would remain, and it had a variance. Scarcelli clarified that only 10 feet in length was approved to cover a hot tub, so the existing structure does not conform to the approved variance. Scarcelli recommended that no structure come within 5 feet of the side property line and 8 feet of the rear property line.

Mark Danielson stated that he's an adjacent property owner. Danielson stated that the

expansion would create a two story box across the property line. Danielson stated the appreciation for consideration of the modification to the request to reduce the rear setback to 8 feet, as 5 feet does not protect access to light and air.

Windsor/Parmelee moved to POSTPONE consideration of the variance request for 612 Sawmill Creek Road to the next Planning Commission meeting allow for staff to work with the applicant and homeowner. Motion PASSED 4-0.

G [VAR 17-15](#)

Public hearing and consideration of a variance request for 1307 Edgecumbe Drive. The request is for the reduction in the side setback from 8 feet to 5 feet for the construction of a carport. The property is also known as Lot 4 Old City Shops Subdivision. The request is filed by Austin Inman. The owners of record are Austin and Kathleen Inman.

Pierson described the request for variance for the reduction of the side setback from 8 feet to 5 feet for a carport at 1307 Edgecumbe Drive. The lot is narrow relative to its length, and a house exists on the lot. A variance was previously granted for a 4 foot side setback for the expansion of the house and garage. The attached carport would be approximately in line with the side of the existing structure. Spivey asked why this request is coming before the Commission if a variance has already been granted. Pierson responded that the previously approved variance only reduced the setback for the structure proposed at that time, so this new proposed carport is not covered by that prior variance. Staff recommend approval.

Austin Inman stated that he had nothing more to add.

Windsor/Parmelee moved to APPROVE findings:

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, here, that the house is pre-existing and the location limits development of an attached carport;**
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, here, the development of covered parking;**
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the structure will be located away from the visibility of pedestrians and motorists; and**
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations," by allowing for the development of covered parking on a residential lot.**

Motion PASSED 4-0.

Windsor/Hughey approve the variance request for the reduction of the side setback from 8 feet to 5 feet for the construction of a carport at 1307 Edgecumbe Drive. The property is also known as Lot 4 Old City Shops Subdivision. The request is filed by Austin Inman. The owners of record are Austin and Kathleen Inman. Motion PASSED 4-0.

H [VAR 17-16](#)

Public hearing and consideration of a variance request for 610 Biorka Street. The request is for the reduction of the rear setback from 10 feet to 5 feet for

the construction of an accessory dwelling unit. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

Item pulled prior to hearing.

I [CUP 17-24](#)

Public hearing and consideration of a conditional use permit for an accessory dwelling unit at 610 Biorka Street. The property is also known as Portion of Lot 2 Block 15 US Survey 1474. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

Item pulled prior to hearing.

J [CUP 17-23](#)

Public hearing and consideration of an expansion of a nonconforming use permit (church) for a seasonal men's shelter that proposes to operate from October 1 to March 31 from 7 PM to 8:30 AM at 505 Sawmill Creek Road. The property is also known as Lots 10, 11, 12, 13 Block 20 US Survey 1474. The request is filed by First Presbyterian Church. The owner of record is First Presbyterian Church.

Commission took a 10 minute recess to read recently submitted public comments.

Scarcelli stated appreciation for the way that Sitkans have positive discussions and debates. Scarcelli described the request to include a men's shelter within the existing non-conforming use of a church. The existing structure would be used with minor alterations. Scarcelli explained legal non-conforming status. Scarcelli stated that the neighborhood has a mix of uses. The status quo is that there are homeless people in Sitka, and the comprehensive plan identifies the need for transient housing. The burden is on the applicant to address valid concerns. Scarcelli stated that in an R-2 zone, he could build a house, hold church services in the house, and invite 7 people (homeless or not) to stay there indefinitely. Per code, a non-conforming use permit can be approved by the Planning Director without public notice. Scarcelli found it prudent in this case to provide public notice and delegate the decision to the Planning Commission. Scarcelli recommended postponing the item to allow the applicant to develop a policies and procedures manual.

Kristy Miller represented the request and explained that this is a community effort. Miller stated that the Presbyterian Church has taken a lead role and this ministry is an extension of their Christian faith. Miller stated that church members are passionate about the project and the insurance recognizes this outreach as part of the church. Miller stated that the church has a large facility and small congregation. The program would also include involving the residents in volunteer opportunities. While the coalition does not believe that a conditional use permit is required, they wish to involve the community in guiding the project. Hughey asked about the administrative arm of operations, as this project is a difficult undertaking. Miller stated that a facility manager will be required, volunteerism will be required, and the coalition does not want to rush without necessary support and burn people out. Windsor stated that Sitka Counseling tried a similar undertaking and it failed. Miller stated that she is aware of that project and this proposal will operate differently. Spivey asked about the makeup of the coalition. Miller stated that the coalition began then the church became involved. Spivey asked who Miller has contacted. Miller stated that she has worked with Sitka Police and Sitka Tribe of Alaska, and other groups such as the Forest Service will be reached out to in the future. Miller reported contacts with similar facilities in Ketchikan, Juneau, Washington, and Oregon. Miller acknowledged that they are early in the

process but are seeking guidance on the location before moving forward. Parmelee stated appreciation that people are coming forward to help the homeless community.

Charles Bingham thanked the Presbyterian Church for stepping forward to address this big need in the community. Bingham stated that it's good to slow down and ensure that things are done right. Bingham stated concern for proximity to the elementary school but acknowledged that homeless people are already in the vicinity. Bingham stated that not all homeless people are drunks.

Merle Stewart stated that she's against the proposal, and primarily residential properties will be impacted. Stewart shared Eleanor Roosevelt quotes and stated that homeless people are a result of their poor life choices. Stewart stated that the SAFV shelter is experiencing problems with crime.

Julia Smith stated that she has worked with the Easter Group on Homeless Connect to help people move out of homeless and keep people in their homes. Smith stated that the Presbyterian Church is a good place for a shelter. Smith stated that the Easter Group tried a similar project. Smith stated that homeless people are a lot of different people in different circumstances. She supports this project.

Julie Audette stated appreciation for what is being proposed, but asked if commissioners would really want this shelter across the street from their homes. Audette stated that there is loitering and smoking already on the church property. Audette wants to know what measure will be used to determine if the shelter needs to be closed. Audette stated that she feels like the bad guy for being concerned, but this is across from the home where she lives.

Bruce Audette stated that the police department stated that the Jericho House had numerous police assists, EMS calls, assaults, and deaths. Audette stated that one of the local homeless individuals has 27 trespass charges against him.

Janelle Audette stated that her ex-husband was a local police officer and was threatened by two homeless men with a knife. Audette stated that it only takes a matter of seconds for something to happen. Audette stated that she has to keep her blinds closed because of the people loitering on the porch.

Erik Bahrt stated that there is ambiguity in the zoning code regarding emergency shelters, and this ambiguity should be cleared up before this project is considered for approval. Bahrt discussed the differences in consideration of non-conforming use permits versus conditional use permits.

Chandler O'Connell thanked the Presbyterian Church and community coalition for their work. O'Connell thinks further conversation is warranted. O'Connell stated that every facility in Sitka is next to something. O'Connell said you can never plan for everything, but a good management team and solid policies, outcomes can be positive.

Elaina Audette stated that she works in healthcare and has experiences with several of these men. One man stated that he was going to cut his IV out then cut her. Audette stated that she goes out of her way to avoid people congregating.

Steve Hutchinson affirmed that the negative experiences are horrible but were perpetrated from a few individuals. Hutchinson stated that the shelter could lessen crime. Hutchinson stated that in this climate, it is inhumane to make people sleep outside. Hutchinson stated that he will be a volunteer.

Patrick Bean stated that he is a volunteer EMT, firefighter, and search and rescue boat captain. Bean stated that he cares for people in need of help and admires the Presbyterian Church's mission, but he does not believe this is an appropriate location for a shelter. Bean stated that he has had to call 911 four times for trespass and drug use by homeless people.

Gayle Young stated that she's a member of the homeless coalition. Young stated that there were 9-10 references to homelessness in the current comprehensive plan, calling the community to action. Young cited the draft comprehensive plan as stating that sometime police have to pay for hotel or hostel lodging for homeless people. Young stated that \$10 an hour work would total \$19,000 per year, which is not enough to afford housing. Young stated that some homeless people have disabilities. Young stated that these people are our people.

Scarcelli asked about timeline. Kristy Miller stated that the goal is to be operational by next winter. The policy and procedures would not be completed before March.

Windsor/Parmelee moved to postpone consideration of the request for 505 Sawmill Creek Road until the commission's first May meeting. Motion PASSED 4-0.

K LM 17-06

Public hearing and consideration of a long-term Class III tideland lease request at 485 Katlian Avenue. The property is also known as a portion of ATS 15. The request is filed by MBH Properties LLC dba as Longliner Lodge. The owner of record is City and Borough of Sitka.

Item pulled prior to hearing.

VIII. ADJOURNMENT

Chair Spivey adjourned at 9:48 PM.

ATTEST: _____
Samantha Pierson, Planner I