



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Case No: P 18-10  
Proposal: Preliminary Plat for Street Vacation of E. Shuler Drive  
Applicant: Don Seesz  
Owner: Don Seesz and Jane Marie Seesz, husband and wife  
Location: 114 Harbor Mountain Road  
Legal Desc.: Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive (metes and bounds)  
Zone: R1-MH  
Size: Existing Lot 13: approx. 11,186 square feet  
Existing portion of right-of-way: approx 1850 sf (ask surveyor)  
Total: ( ask surveyor)  
Parcel ID: 25571004  
Existing Use: Residential  
Adjacent Use: Residential, Mfg. Home Park  
Utilities: Existing  
Access: Harbor Mountain Drive and Easement through adjacent property

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

- This is a procedural clean-up of past approval.
- Conditions of approval will rectify all vacation, plat, and ownership issues
- Known encroachment can be corrected via agreement similar to adjacent subdivision

**RECOMMENDATION:** Approve the preliminary plat subject to the attached conditions or approval.

## **ATTACHMENTS**

- A. ATTACHMENT A – APPLICANT MATERIALS
- B. ATTACHMENT B – STAFF MATERIALS

## **BACKGROUND/PROJECT DESCRIPTION:**

Proposal is to approve a preliminary plat to finalize an outstanding approval for the vacation and deeding of a right of way (E. Shuler Dr.) that was not properly recorded via a final, approved, and recorded plat. This was approved by the City Assembly by ordinance 03-1741. This is further detailed in Quit Claim Deed 2004-00097-0, and a survey provided by CBS' Public Works Department (see attached packet).

### **Title 21**

The purposes of the subdivision regulations are: to promote and protect the public, health, safety and welfare; provide for appropriate roads, streets, and access; provide for useful, adequate and convenient open space; provide for means for efficient transportation, mobility, and access; assure adequate utilities; provide for emergency response accessibility; provide adequate recreation, light, and air; avoid population congestion; facilitate orderly development and growth; and accurate surveying.<sup>1</sup>

A minor subdivision is applicable where the proposed plat involves the vacation of a street or alley.<sup>2</sup> The basic criteria necessary for approval are 1) no dedications are required; 2) monuments exist sufficient to locate all proposed lots on site; 3) the plat includes all contiguous land under common ownership; and 4) maintenance agreements as necessary.<sup>3</sup> The Director would like to point out that by definition this proposal does not snugly fit into any single title 21 process.

### **Title 22:**

Development standards are not applicable in this case as the subdivision and vacation of the right of way have already been approved. This is just a procedural correction of the past where the vacation was not properly recorded via an official plat. The Planning Director has consulted with the Municipal Attorney on this, and the direction is to proceed and correct the plat recording and nothing more.

## **Project Analysis**

**Site:** The plated right-of-way is largely unusable as a right-of-way and has been developed by adjacent property owners.

---

<sup>1</sup> SGC Section 21.04.020

<sup>2</sup> SGC Section 21.12.010 (A)(4) & 21.20.020(c)

<sup>3</sup> SGC Section 21.12.010 (B)

**Utilities:** Utilities are available and existing.

**Access, Roads, Transportation, and Mobility:** The property is accessed through an adjacent subdivision via a platted easement.

**Public, Health, Safety and Welfare:** Development shall be required to comply with all Building and Engineering standards regarding construction and design. Any encroachments shall be corrected or receive permission to encroach. This proposal matches what is existing. Only positive impacts.

**Rec, Light, Air:** Proposal is really a legal technicality and will not change anything on the ground.

**Orderly and Efficient Layout and Development:** The proposal is in line with the intent of the prior approvals by the City Assembly and what has occurred on the ground.

### **Comprehensive Plan**

The proposed minor subdivision is in line with Comprehensive Plan Section 2.4.19 which states, “To consistently follow and enforce land use policies, codes, regulations, and decisions...” by going through the prescribed vacation and subdivision processes. Draft Comp Plan (which may be adopted May 22<sup>nd</sup>, also supports this through using proper process to manage municipal lands and ROWs.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and findings and move to approve the minor subdivision preliminary plat subject to conditions of approval.

1) **I move to find that:**

- a. That the proposed minor subdivision preliminary plat, **as conditioned**, complies with the Comprehensive Plan Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by going through the prescribed minor subdivision process;
- b. That the proposed minor subdivision preliminary plat, **as conditioned**, complies with the subdivision code; and
- c. That the minor subdivision preliminary plat, **as conditioned**, would not be injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public's health, safety and welfare.

2) Move to approve the preliminary plat of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district for the purpose of completing a prior approved vacation of East Shuler Drive. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

- a. Conditions of Approval:
  1. Surveyor shall provide square foot totals for right of way and unified lot.
  2. Plat shall comply with all applicable state and local subdivision codes.
  3. All known encroachments shall be removed or receive permission from the applicable owner prior to recording of final plat.
  4. Plat shall be recorded within 1 year of final approval of plat or approval shall be void.