



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department Staff Report

AGENDA ITEM:

Case No: ZA 19-01
Proposal: Zoning text and map amendment
Applicant: City and Borough of Sitka
Owner: Alaska Arts Southeast Inc, State of Alaska, Youth Advocates of Sitka, Sitka Sound Science Center, Sitka Summer Music Festival, Sheldon Jackson College Childcare Center, and Sitka Tribe of Alaska
Location: 801, 803, 805, 831, 834 Lincoln Street, and 104, Jeff Davis Street, and 111, 121 John Brady Street
Legal: See attachment
Zone: Current: R-2 Multifamily residential district
Proposed: Create Overlay District to establish additional standards that apply over the existing R-2 zoning district
Existing Use: Various uses including residential, educational, institutional
Adjacent Use: Residential, recreational

INTRODUCTION and BACKGROUND

Overlay districts are a planning tool with well-established precedent in various jurisdictions throughout the country. They are typically used to promote specific purposes, for example, economic development, wetlands protection, or historic preservation. They tailor regulations to specific properties and districts to meet specific community goals.

An overlay district is a zoning district applied over one or more previously established zoning districts, establishing additional stricter or more relaxed standards and criteria for covered properties in addition to those of the underlying zoning district. Sitka has not previously created an overlay district.

In this case, the proposal is to allow in the overlay district a variety of commercial and retail uses on the historic Sheldon Jackson campus which would not normally be allowed in the underlying R-2 Multifamily Residential District. Uses proposed to be allowed within the overlay zoning district, but not otherwise allowed within the R-2 zone, include but are not limited to: lodging, retail sales, food services, and a dock, which support the educational, scientific, and artistic missions of the organizations which operate on the historic campus.

Many of the activities and uses proposed under the overlay district are legally non-conforming, commonly called grandfathering. The uses predate the establishment of zoning districts in the area.

PROJECT DESCRIPTION

This request is to create the Sheldon Jackson Overlay District, to apply to an area that approximates the historic Sheldon Jackson campus. See attached map. Creation of the Overlay District will allow for a variety of commercial and retail uses not currently allowed in the underlying R-2 zoning district, including a day-care center and dock. The text change includes the creation of a new category in the zoning tables and amendments to the use and development tables in Title 22.

ANALYSIS

Subsequent to the closure of Sheldon Jackson College as an institute of higher learning, much of the campus and its buildings were transferred to a variety of non-profit organizations. These organizations, dedicated to various artistic, scientific, and educational missions, serve the local community as well as attract many visitors to their programs, bringing a much-needed economic boost to our town.

Several of the activities taking place on the campus are not allowed under R-2 zoning, but are legal non-conforming, commonly referred to as “grandfathered”, such as lodging (without a CUP), retail sales, small scale food service, and office rentals.

The intent of the Overlay District in this context is to both formally allow activities now occurring, and to provide greater opportunities for the various non-profits to engage in activities which directly support their operations.

Staff anticipates minimal negative impacts from the proposed zone change. The major reason is that the area in question has historically been used as the proposed overlay district would allow. Inevitably, some operations would increase in scale and scope. The potential for impacts to or from traffic, parking, noise, public health and safety, habitat, property values, and neighborhood harmony may increase somewhat because of the increased level of activity over time.

There may also be a concern that activities would compete with and draw business away from core downtown businesses. But given the history of the programs on campus we anticipate impacts to be modest and in keeping with the overall character of the greater neighborhood.

Table 22.20-1 Development Standards is unchanged under this proposal.

KEY POINTS AND CONCERNS:

- This proposal is arguably more sweeping, with longer term impacts, than the typical zoning text change. The full text of the code changes was not available to the public until February 1, not providing much time for interested parties to consider all the changes to Title 22 and in particular the six distinct use tables. Depending on public testimony tonight, it might be prudent to bring this item back before the Commission for another public hearing before formal Commission action.

- If uses should scale up and deviate from direct support of operations benefiting non-profit organizations, to simply large scale commercial enterprise (say, a national chain hotel), there is no mechanism in place to assure compliance except after-the-fact enforcement. Hard experience shows that after-the-fact enforcement is difficult, time-consuming, politically unpopular, and often enough, ultimately ineffective. A conditional use permit process for some or all of the activities proposed would create an ongoing oversight tool. A conditional use permit process would, of necessity, take more staff and Planning Commission time.

RECOMMENDATION:

POSSIBLE MOTIONS

- I move to postpone formal action and bring this item back for further discussion at the next Planning Commission meeting.

or

- I move that the Planning Commission recommend approval to the Assembly of the zoning text and map amendment (ZA 19-01) that would create a Sheldon Jackson Overlay District.

FINDINGS

1. The zoning text and map amendment does not negatively impact the public health, safety, and welfare;
2. The zoning map amendment has followed all code regarding amending the official zoning map in regards to public process; and
3. The zoning map amendment comports with the Comprehensive Plan, in particular:
 - Land Use Goal LU 3.2: “In the former Sheldon Jackson Campus area, encourage uses that support Sitka’s education, art, and sciences economy, while preserving and enhancing the historic character.”
 - Historic, Cultural, and Arts Resources Action Goal HCA 4.1c: “Create a historical zoning district or overlay for the Sheldon Jackson Campus allowing for a broader range of uses.”

ATTACHMENTS

Map showing boundaries of proposed district
Draft ordinance creating overlay district
Application
Mailing list
Written public comment