



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Michael Scarcelli, Planning and Community Development Department Director

CC: Wendy Lawrence, Assessor
Brian Hanson, Municipal Attorney
Keith Brady, Municipal Administrator
Bryan Bertacchi, Electric Utility Director
Michael Harmon, Public Works Director

Subject: LM 18-01: Sale of Portion of Eagle Way Right-of-Way, 1318 SMC, adjacent to Grandma Tillies

Date: July 26, 2018

Request: Adam and Kris Chinalski are requesting to purchase an approximate 1,660 square foot portion of Eagle Way right-of-way (ROW) adjacent to their parcel at 1318 Sawmill Creek Road (Grandma Tillie's Bakery). They would like to develop this area for parking to support their business.

Background: This proposal is supported by the Comprehensive Plan in that it would support an existing business to grow (economic chapter). In addition, it would make best use of otherwise underutilized ROW (Land Use, Facilities, and Transportation chapters), while also preserving the community's interests in the infrastructure and utility of the usable ROW.

This ROW was deeded to the City and Borough of Sitka from the State Department of Transportation and Public Facilities (DOT&PF) and is subject to the following:

- 1) All rights reserved by the State, pursuant to Article 8, Section 9, of the Alaska State Constitution, AS 38.05.125, and AS 38.05.130;
- 2) Restrictions, easements, reservations, or rights noted on the DOT&PF Right of Way map, dated August 14, 2014; and
- 3) All existing legal or equitable rights, easements, reservations, or restrictions of third parties, including other state agencies, recorded or unrecorded.

The sale of municipal land that is a platted right of way must follow Sitka General Code 18.12. Staff envisions the following process:

- 1) Initial Planning Commission recommendation of approval to City Assembly with any specific conditions;

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- 2) City Assembly approval of purchase subject to conditions of approval such as official plat, deed restrictions, and value;
- 3) Planning Commission approval of formal plat;
- 4) Finalization and execution of Sales Agreement and Deeds contemporaneous with recording of final plat (with approval by City Assembly if needed)

Valuation: TBD by Assembly pursuant to SGC 18.12.015.C.3 (with assistance from Assessor or Third party Appraisal).

Recommendations: I move to recommend approval of a sale of an approximate 1,660 square foot portion of the Eagle Way Right of Way adjacent to 1318 Sawmill Creek Road (Portion of US Survey 2355) subject to the following recommended conditions:

- 1) Approval of all existing and proposed utility easements by the Public Works Director, Electric Utility Director, and Municipal Attorney;
- 2) Maintaining access to Eagle Way Lift Station and associated force main (without paving over it until project is complete);
- 3) Applicant shall prepare a third party fair market appraisal to assist staff and the assembly in determining fair value for the purchase;
- 4) Applicant shall prepare a preliminary and final plat prepared by a licensed surveyor;
- 5) Portion of right of way to be purchased shall be unified with the existing lot (portion of US Survey 2355) and shall remain unified (should not be sold separate from main lot and this shall be noted on plat); and
- 6) Shall follow the appropriate process (see above for illustrative process, but note, process may change to meet needs and requirements of City)

10. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general admonition to respect the surrounding residential neighborhood.
11. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit. **Motion Carried 3-0.**

M/S Taylor Colvin/Randy Hughey to find that:

1. The granting of the proposed conditional use permit will not:
 - a. be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management and noise monitoring;
 - b. adversely affect the established character of the surrounding vicinity specifically, the rental would make use of an already developed unit of a duplex with on-site owner-managers to monitor for concerns; nor
 - c. be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, on-site parking is provided.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, that the proposal provides owners with incentives to develop higher density and additional dwelling units. **Motion Carried 3-0.**

- J Public hearing and consideration for a request to purchase a portion of the municipal right of way, approximately 1660 square feet along Eagle Way adjacent to 1318 Sawmill Creek Road (Grandma Tillie's Bakery). The applicant proposes to use this portion of ROW to provide on-site parking for the bakery. The property is described as a portion of the Eagle Way rights-of-way and improvements from Eagle Intersection at Sawmill Creek Road (Quitclaim Deed 2015-000105-0).

Planning Director Scarcelli gave an overview of the process so far, and outlined the ensuing steps for the right-of-way sale. He reported that State officials stated the utility easements and maintenance agreements for this right-of-way were to be documented. He explained the difference between right-of-way versus tideland sales.

Applicant Adam Chinalski indicated a third party appraisal was acceptable, and he would provide a copy to the Planning Office.

No public comment.

M/S Randy Hughey/Taylor Colvin to recommend approval of a sale of an approximate 1,660 square foot portion of the Eagle Way Right of Way adjacent to 1318 Sawmill Creek Road (Portion of US Survey 2355) subject to the following recommended conditions:

1. Approval of all existing and proposed utility easements by the Public Works Director, Electric Utility Director, and Municipal Attorney;
2. Maintaining access to Eagle Way Lift Station and associated force main (without paving over it until project is complete);
3. Applicant shall prepare a third party fair market appraisal to assist staff and the assembly in determining fair value for the purchase;
4. Applicant shall prepare a preliminary and final plat prepared by a licensed surveyor;
5. Portion of right of way to be purchased shall be unified with the existing lot (portion of US Survey 2355) and shall remain unified (should not be sold separate from main lot and this shall be noted on plat); and
6. Shall follow the appropriate process (see above for illustrative process, but note, process may change to meet needs and requirements of City).
7. Applicant shall provide a survey showing existing lot and proposed purchase that includes property lines (existing and proposed) and square footage of each area. As well as existing and proposed easements/utilities.

Motion Carried 3-0.

I. Adjournment

The meeting was adjourned at 9:33 p.m.