



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Taylor Colvin
Victor Weaver

Wednesday, May 15, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey, Darrell Windsor, Randy Hughey, Taylor Colvin, Victor Weaver
Absent: Aaron Bean (assembly liaison)
Staff: Amy Ainslie
Public: Richard Wein, Nina Vizcarrondo, Brittany Dumag, Les Kinnear, Evie Kinnear, Carlos Hernandez, Carlos Hernandez Jr., Ted Laufenberg, Bridget Kauffman, Jim Brennan, Melissa Hofstead, Michael Tisher, Jamie Licari, Margie Esquiro, Pete Esquiro, Jeremy Plank, Savannah Plank

Chair Spivey called the meeting to order at 7:00 pm.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Windsor/S-Weaver moved to approve the May 1, 2019 minutes. Motion passed 5-0 by voice vote.

A [PM 19-07](#) Approve the May 1, 2019 minutes.

Attachments: [07-May 1 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie stated that she was working with Chair Spivey and the administrator on a few accretion plats, one for Tom Williamson in the 1400 block of Sawmill Creek Road and one for Jim Brennan at Baranof Warm Springs. Ainslie reported that she had submitted the final Sitka Hazard Mitigation plan that the Commission reviewed in January to the State of Alaska who would review it and send it to FEMA for final approval.

Ainslie discussed her work plan going forward as discussed with Interim Planning Director, Scott Brylinsky, until there was a Planning Director in place. The plan was to primarily work on conditional use permits, variances, some platting actions (some minor subdivisions), and to finish zoning map and/or text amendments that had been initiated while Brylinsky was still on staff. Not included in the work plan were complex

issues such as new zoning map/text amendments, major subdivisions, or planned unit developments. Ainslie noted that this plan was directly related to the resolution that was a later agenda item, and would like to hear feedback on the work plan during the discussion of that item.

Several requests for food trucks/carts and street vending, especially in the Central Business District, had come to the Planning office since the start of the visitor season. Ainslie requested that the Commission provide guidance on administration of these requests; the Commissioners agreed this should be an item on the next agenda.

The next meeting would have three CUP requests (a short-term rental request, a food stand request, and marijuana retail facility request), a preliminary plat for a minor subdivision, and a potential zoning text change for the GPIIP district.

VI. REPORTS

VII. THE EVENING BUSINESS

- B** [MISC 19-11](#) A resolution of the City and Borough of Sitka's Planning Commission of support for the prompt hiring of a Planning Director.

Attachments: [Planning Commission Resolution on Hiring a Director](#)

Ainslie read the Resolution into the record. Spivey asked the Commissioners what actions they were, or were not, comfortable making without a Planning Director in place, and noted that the position had been vacant for almost a year. There was consensus among the Commissioners that they wanted more guidance from a Planning Director on more complex and long range efforts such as Hazard/FEMA planning, historic sites, zoning text and/or map changes, and the No Name Mountain master plan. Windsor asked if the city administrator could hire a director, or if it had to go through the assembly.

Richard Wein came forward to help clarify the process for confirming department head with the assembly - the administrator could recruit and interview and choose a candidate, but the candidate was confirmed by the assembly. Wein also stated, that his personal reasons for not confirming the administrator's choice for the position was not related to the salary being offered.

The Commissioners added an amendment to the Resolution stating their position on not voting on certain items as earlier discussed until there was a Planning Director in place. The addition read "WHEREAS the Planning Commission may need to postpone action on items due to insufficient direction and guidance from a Planning Director".

**M-Windsor/S-Hughey moved to pass the Resolution to be sent to the assembly.
Motion passed 5-0 by voice vote.**

- C** [CUP 19-08](#) Public hearing and consideration of a conditional use permit application for a food cart/outdoor restaurant at Fortress of the Bear. The property is also known as Lot 2, Block 3, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by Nina Vizcarrondo and Brittany Dumag. The owners are Leslie and Evelyn Kinnear.

Attachments: [CUP 19-08 Vizcarrondo & Dumag FoB Food Cart Staff Report](#)
[CUP 19-08 Vizcarrondo & Dumag FoB Food Cart Aerial](#)
[CUP 19-08 Vizcarrondo & Dumag FoB Food Cart Floor Plans](#)
[CUP 19-08 Vizcarrondo & Dumag FoB Food Cart Applicant Materials](#)

Ainslie presented the staff report, noting the size and location of the operation, day-time operating hours, and that the area has existing commercial/industrial/visitor attraction uses.

The applicants, Brittany Dumag and Nina Vizcarrondo came forward to explain their plans to prepare and serve Puerto Rican and Cuban food at Fortress of the Bear, catering to locals and visitors. Hughey stated that his concerns about food trucks did not extend out the GPIP zone and thought the proposal was a great idea.

M-Colvin/S-Hughey moved approve the conditional use permit application for a food cart/outdoor restaurant at Fortress of the Bear. The property was also known as Lot 2, Block 3, Sawmill Cove Industrial Park Resubdivision No. 1. The request was filed by Nina Vizcarrondo and Brittany Dumag. The owners were Leslie and Evelyn Kinnear. Motion passed 5-0 by voice vote.

M-Colvin/S-Hughey moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

D [CUP 19-09](#)

Public hearing and consideration of a conditional use permit application for a food cart/outdoor restaurant at 130 Lincoln Street. The property is also known as Lot 2A, Ernie's Subdivision. The request is filed by Carlos Hernandez. The owner of record is Stanley Filler.

Attachments: [CUP 19-09 Hernandez 130 Lincoln St. Food Cart Staff Report](#)
[CUP 19-09 Hernandez 130 Lincoln St. Food Cart Aerial](#)
[CUP 19-09 Hernandez 130 Lincoln St. Food Cart Site & Floor Plan](#)
[CUP 19-09 Hernandez 130 Lincoln St. Food Cart Applicant Materials](#)

Ainslie presented the staff report, noting the size and location of the food cart. The cooking, food prep, and cleaning would be done in the commercial kitchen at Agave and kept up to temperature at the cart, minimizing the need for power. The proposed location was well positioned for pedestrian access as there was an adjacent alley way and a large parking lot. The proposed hours were day-time hours Monday through Saturday, and late-night hours (8pm to 2am) Wednesday through Saturday.

The applicants, Carlos Hernandez and Carlos Hernandez Jr. came forward. Hernandez Jr. answered a question from the Commissioners about space for smoking that was still available, and the agreement he had with the owner of Agave for use of the kitchen facilities. Spivey reminded the applicant that he needed to operate within the hours specified in his application; if there were complaints and he was operating outside the hours specified, he could lose the conditional use permit.

Richard Wein also came forward to clarify ingress/egress out of Ernie's Saloon and smokers on Lincoln Street.

M-Windsor/S-Hughey moved to approve the conditional use permit application for a food cart/outdoor restaurant at 130 Lincoln Street subject to the conditions listed in the staff report. The property was also known as Lot 2A, Ernie's Subdivision. The request was filed by Carlos Hernandez. The owner of record

was Stanley Filler. Motion passed 5-0 by voice vote.

**M-Windsor/S-Hughey moved to adopt the findings as listed in the staff report.
Motion passed 5-0 by voice vote.**

E [ZA 19-05](#)

Public hearing and consideration of proposed amendments to Sitka General Code Title 22, Zoning, Chapter 22.16, District Regulations, to amend permitted uses in the Recreation zone for Baranof Warm Springs. The applicant is the Baranof Property Owners Association.

Attachments: [ZA 19-05 BPOA BWS Staff Report](#)
 [ZA 19-05 BPOA BWS Aerial](#)
 [ZA 19-05 BPOA BWS US Surveys](#)
 [ZA 19-05 BPOA BWS Applicant Materials](#)

Hughey stated that this item, being complex and with long-term implications, was within the type of items discussed earlier during the Resolution agenda item that he did not feel comfortable voting on without a Planning Director. Hughey made a motion to postpone the item.

Ted Laufenberg, President of the Baranof Property Owners Association stated that this item had been delayed for a long time due to staff changes and would like the item to be heard. Laufenberg noted that several Planning Directors had weighed in on the issue and provided guidance. Laufenberg also stated the item had been before the Planning Commission in the past, and Commissioners ought to have enough familiarity with the situation at Baranof Warm Springs to hear the item. Weaver responded that as he was new to the Commission, he did not have familiarity or background with the issues or current proposal.

Bridget Kauffman also voiced that she did not want the item to be further postponed, and that she felt the Commissioners had been provided with enough information to hear the proposal.

Jim Brennan stated that though there was not a Planning Director in place, the proposal should be heard because it did not have permanent implications as changes would not be permitted or not allowed outright, it would change uses to conditional uses, meaning the Commission would have further input in the future. Brennan also noted the inherent issues in the code with definitions lacking for resort versus a lodge, and why some uses were or were not allowed and the ambiguity in the code ought to be addressed.

Melissa Hofstead stated that this item had been through two Planning Directors and the application had been in for over a year, and it was not fair to postpone the item any further. Hofstead also stated the changes requested were minor in nature, as they were asking for three uses to become conditional uses.

Richard Wein supported the item being moved forward, if nothing else to prove that what aspects of the proposal are lacking direction from a Planning Director, and that the BPOA members deserved a hearing.

Spivey recalled that this item had been previously discussed, and though there were some concerns about the ramifications of the proposal, he had enough information to hear the item. Ainslie clarified the two agenda items pertaining to Baranof Warm

Springs that had been on previous agendas, but pulled. Hughey reiterated that the item was complex and contentious in nature, affirming his desire to postpone it, Weaver agreed.

M-Hughey/S-Windsor moved to postpone the item indefinitely. Motion passed 4-1 by voice vote.

F [P 18-04](#)

Public hearing and consideration of a minor subdivision to result in four lots at 2370 Halibut Point Road in the R-1 MH District. The property is also known as Lot 1 Oceanview Ridge Subdivision. The request is filed by Michael Tisher. The owner of record is Michael Tisher.

Attachments: [P 18-04 Tisher 2370 HPR Staff Report](#)
[P 18-04 Tisher 2370 HPR Aerial](#)
[P 18-04 Tisher 2370 HPR Prelim Plat](#)
[P 18-04 Tisher 2370 HPR Applicant Materials](#)
[P 18-04 Tisher 2370 HPR Ocean Ridge Subdivision updated easement](#)

Ainslie presented the staff report, noting the interdependency between items P 18-04 and P 18-02, as the lots were adjacent and would be instrumental to each other in providing access and utilities. The proposal was to create a four-lot subdivision for the residential housing development. Ainslie also discussed the work Tisher had done in preparation for the subdivision including obtaining DEC approval for sewage plans, a drainage report, and discussions with CBS Public Works on permits for access and water on Kramer Avenue.

The applicant, Michael Tisher came forward to provide more information about his plans for the area. Tisher stated that due to the terrain, creating four large lots was the best use of the lot. Tisher also described the sewage plans and how the Licari's lot help facilitate the gravity system. Spivey was glad to see that the drainage report had already been done. Windsor asked a question regarding potential drainage easements on the proposed lot 2. Hughey asked for clarification on landslide risk in the area, Tisher and Spivey recalled from previous Kramer reports that the area in question was in a low risk area.

M-Hughey/S-Windsor moved to approve the preliminary plat for minor subdivision to result in four lots at 2370 Halibut Point Road in the R 1 MH District subject to the attached conditions. The property was also known as Lot 1 Oceanview Ridge Subdivision. The request was filed by Michael Tisher. The owner of record was Michael Tisher. Motion passed 5-0 by voice vote.

M-Hughey/S-Windsor moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

G [P 18-02](#)

Public hearing and consideration of a minor subdivision to result in two lots at 2310 Halibut Point Road in the R-1 MH District. The property is also known as a portion of Lot 13 US Survey 2418. The request is filed by John and Jamie Licari. The owner of record is JPJL, LLC.

Attachments: [P 18-02 Licari 2310 HPR Staff Report](#)
 [P 18-02 Licari 2310 HPR Aerial](#)
 [P 18-02 Licari 2310 HPR Prelim Plat](#)
 [P 18-02 Licari 2310 HPR Applicant Materials](#)

Ainslie presented the staff report, noting that most the background on this item had been discussed during the previous agenda item. Ainslie noted that the plan was to sell lot 1 to Michael Tisher for development alongside his new subdivision and there were no development plans for lot 2 of the proposed subdivision.

The applicant, Jamie Licari, came forward and confirmed that there were no development plans for lot 2. Hughey stated that if was there to be development on lot 2, the access easement could be a potential issue.

Margie and Pete Esquiro, who also lived on Sand Dollar Drive, expressed concerns about future development plans. As Sand Dollar Drive was a cul de sac, further development was not expected when the Esquiros purchased their property. Concerns included traffic, gravel spin-out, noise, and drainage.

Savanah Plank, also a resident of Sand Dollar Drive, expressed concerns for further development on lot 2. Plank also stated that when purchasing their home, they did not expect more development from a cul de sac. Plank thought the proposed access easement was steep and presented a potential visibility concern for vehicular traffic.

Michael Tisher noted that the topography was such that there was no other access point for lot 2 from Halibut Point Road. If gravel spin-out was an issue, the easement could be paved. On drainage, Tisher stated that when Kramer Avenue was built, a large 36" culvert was installed and has diverted water flow from Sand Dollar Drive. Hughey asked if access could be provided for lot 2 from his development to the north. Tisher stated it was potentially possible, but would require a platting variance.

Spivey agreed that the access easement into lot 2 was a potential issue if more heavily developed, and that he wished to see a maintenance agreement for the easement. Ainslie clarified that there were plat notes referencing the maintenance agreements that would need to be recorded before the final plat was recorded. Windsor noted that the driveway was already existing, and therefore additional access was not being added to cul de sac. The Commissioners discussed implications of future development, but ultimately decided that the current proposal only had one lot utilizing the easement from Sand Dollar Drive, and that it was acceptable for one lot. Future subdivision of lot 2 would have to come back to the Planning Commission for approval, and the appropriateness of the access would have to be reconsidered at that time.

M-Windsor/S-Weaver moved to approve the preliminary plat for a minor subdivision to result in two lots at 2310 Halibut Point Road in the R-1 MH District subject to the attached conditions. The property was also known as Portion of Lot 13 US Survey 2418. The request was filed by John Licari. The owner of record was JPJL, LLC. Motion passed 5-0 by voice vote.

M-Windsor/S-Hughey moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 8:39 pm.