



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

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

Wednesday, June 5, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Randy Hughey (acting chair), Taylor Colvin, Victor Weaver

Absent: Chris Spivey (excused), Darrell Windsor (excused), Aaron Bean
(Assembly liaison)

Staff: Amy Ainslie

Public: Steven Eisenbeisz, Ashley Eisenbeisz, Colin Flanagan, Robert Petrie,
Debbie Petrie, Robert Emley, David Lambdin, Adam Chinalski, Kris Chinalski,
Denton Pearson

M-Weaver/S-Colvin moved to appoint Hughey as the Acting Chair for the evening's proceedings. Motion passed 3-0 by voice vote.

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

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Weaver/S-Colvin moved to approve the May 15, 2019 minutes. Motion passed 3-0 by voice vote.

A [PM 19-08](#) Approve the May 15, 2019 minutes.

Attachments: [08-May 15 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie noted that Hughey had presented the Commission's Resolution on the hiring of a Planning Director without delay to the Assembly on May 28, 2019. Colvin's term on the Commission would expire at the end of June, and June 19th would be Colvin's last meeting as a Commissioner. Colvin was choosing to not seek reappointment due to work demands. Ainslie thanked Colvin for his time on the Commission. There were no updates on the hiring of a Planning Director, and to Ainslie's knowledge, no applicants or interviews scheduled at the time. Items MISC 19-13 and CUP 19-13 had been pulled

from the evening's agenda at the request of the applicants. Ainslie explained the voting for the evening, stating that for items would require a unanimous vote from the Commissioners present to pass.

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 19-12](#)

Discussion, direction, decision on code interpretation and administration of temporary and mobile vending including, but not limited to food cart, food truck, and street vending operations.

Attachments: [MISC 19-12 Temporary & Mobile Vending Staff Report](#)
[SGC 22.16.015-6](#)
[Food Trucks & Push Carts Tri-County Health Department](#)
[Albemarle County Land Use Law Handbook Jan. 2016](#)
[APA Planning for Food Trucks](#)

Ainslie presented the staff report, including relevant sections of the Sitka General Code that addressed temporary or mobile vending. Ainslie delineated between mobile food trucks/trailers and food carts, and how the code should be applied to their operations in the Central Business District. Ainslie also explained suggested standards for determining incidental use (the determination of which was necessary for establishing whether or not certain proposed operations required a conditional use permit). The Commissioners asked Ainslie about enforcement of operations that did not have a conditional use permit.

Colin Flanagan stated that he didn't think a cap on food stands or street vending was necessary because space downtown was so limited, that there was already a de facto limit in place.

Robert Petrie said that he did not support food trucks or carts in the downtown area. As the owner of a brick and mortar establishment open year-round paying higher taxes, utilities, and renovation costs, Petrie thought food trucks should not compete with the downtown businesses. Petrie advocated for the creation of a designated area for all food trucks to be located where they compete with each other. Aesthetics of the downtown area, noise, safety, trash, and restrooms were also among Petrie's concerns.

Adam Chinalski noted that when he wanted to have a cupcake stand, he was told he needed to find private property to operate on. Unable to find any, he opened a brick and mortar operation. While Chinalski wasn't opposed to having a designated area for the food trucks, he was opposed to having it on public property as others had been denied that opportunity in the past. Chinalski also asked for clarification on determining incidental use.

Denton Pearson also stated that there should be clarification on determining incidental or customary use, and had concerns about over-restricting the central business district.

Steven Eisenbeisz echoed concerns about over-restricting the downtown area, and wanting to be able to utilize dedicated spaces for food carts or stands. Eisenbeisz also

thought that many of the food trucks and carts did not directly compete with the brick and mortar restaurants; the menu and experiences of the two were so different, customers wanting one would not substitute it for the other.

Debbie Petrie noted bathroom and trash concerns associated with food trucks; customers of food trucks and stands would come to her brick and mortar restaurant to use the restrooms and leave trash. Petrie also said that most food trucks utilized generators, the noise of which she thought disturbed the downtown, historic area.

Weaver stated that the next Planning Director should further define or rewrite the code to provide more clarity. Weaver also thought that a separate, designated area should be created for this type of food service. Hughey agreed, but stated that he did not see any immediate harm that needed to be addressed as a part of the evening's discussion.

- C** [MISC 19-13](#) Reconsideration of motion to postpone public hearing and consideration of ZA 19-05, a proposal to amend SGC 22.16 to change permitted uses in the Recreation zone for Baranof Warm Springs.

Attachments: [MISC 19-13 Reconsideration](#)

This item was pulled prior to the meeting.

- D** [CUP 19-10](#) Public hearing and consideration for a conditional use permit for a short-term rental at 3106 Halibut Point Road in the R-1 single-family and duplex residential district. The property is also known as Lot 24D, Toothacre Subdivision. The request is filed by David Lambdin. The owner of record is David Lambdin.

Attachments: [CUP 19-10 Lambdin 3106 HPR STR Staff Report](#)
[CUP 19-10 Lambdin 3106 HPR STR Aerial](#)
[CUP 19-10 Lambdin 3106 HPR STR Floor Plan](#)
[CUP 19-10 Lambdin 3106 HPR STR Photos & Renter Handout](#)
[CUP 19-10 Lambdin 3106 HPR STR As Built](#)
[CUP 19-10 Lambdin 3106 HPR STR Application](#)

The applicant, David Lambdin, came forward and requested that this item be postponed until the next meeting when more Commissioners were present.

- E** [CUP 19-11](#) Public hearing and consideration for a conditional use permit for a short-term rental at 140 Patterson Way in the R-1MH single-family, duplex, and manufactured home district. The property is also known as Lot 1, Amended Kin-Croft Subdivision. The request is filed by Robert and Ashley Emley. The owners of record are Robert and Ashley Emley.

Attachments: [CUP 19-11 Emley 140 Patterson STR Staff Report](#)
 [CUP 19-11 Emley 140 Patterson STR Aerial](#)
 [CUP 19-11 Emley 140 Patterson STR Floor Plan](#)
 [CUP 19-11 Emley 140 Patterson STR Photos](#)
 [CUP 19-11 Emley 140 Patterson STR Plat](#)
 [CUP 19-11 Emley 140 Patterson STR Renter Handout](#)
 [CUP 19-11 Emley 140 Patterson STR Application](#)

Ainslie delivered the staff report, noting that the proposed short-term rental was the lower unit in a two dwelling-unit home, with the owners using the upper dwelling unit as their primary residence. The lower unit was relatively small, with one bedroom. There would likely be one to three guests at any given time. The home was on a large lot with ample parking. The adjacent lot to the north had a densely populated mobile park home, the adjacent lot to the east was vacant/undeveloped, and the neighborhood along Patterson Way was moderately populated. Ainslie stated only one potential concern, which was the size and condition of Patterson Way, but Ainslie felt that with the owners on the premises, they could adequately enforce speed and traffic rules with their guests.

The applicant, Robert Emley, came forward. Emley stated that he and his wife had owned and managed an Air BnB in the past, and felt comfortable doing so again. Emley felt that doing a short-term rental with the lower unit was the most profitable use of the space to help with living expenses, and allowed Emley to retain more control and ownership of the unit (as opposed to renting it out long-term).

M-Weaver/S-Colvin moved to approve the conditional use permit for a short-term rental at 140 Patterson Way in the R-1MH zoning district subject to the attached conditions of approval. The property was also known as Lot 1, Amended Kin-Croft Subdivision. The request was filed by Robert and Ashley Emley. The owners of record were Robert and Ashley Emley. Motion passed 3-0 by voice vote.

M-Weaver/S-Colvin moved to adopt the findings as stated in the staff report. Motion passed 3-0 by voice vote.

F [CUP 19-12](#)

Public hearing and consideration for a conditional use permit for a food stand at 200 Lincoln Street in the Central Business District. The property is also known as Lot 6, Block 1 Sitka Townsite. The request is filed by Colin Flanagan. The owners of record are Troy and Vickie Denkinger.

Attachments: [CUP 19-12 Flanagan Food Stand Staff Report](#)
 [CUP 19-12 Flanagan Food Stand Aerial](#)
 [CUP 19-12 Flanagan Food Stand Site Plan](#)
 [CUP 19-12 Flanagan Food Stand Photos](#)
 [CUP 19-12 Flanagan Food Stand Plat](#)
 [CUP 19-12 Flanagan Food Stand Application](#)

Ainslie gave the staff report for the proposal to run a fry bread stand in an alley way on Lincoln Street. The stand would be operated mostly on cruise ship days from approximately 10am to 3pm, and potentially on some "late night hours" on the

weekends from 9pm to midnight. The stand would be comprised of a 8 foot by 8 foot canopy tent, with two tables under the tent (one for the fry station and one for the register), with a generator powering the stand. Ainslie noted that the alley way had a building at the end of it, and did not connect Lincoln Street to Harbor Drive, therefore the stand would not impede foot traffic. Ainslie suggested the Commissioners get clarification from the applicant on the generator to be used, as she had not been provided details about it and there could be potential noise concerns.

The applicant, Colin Flanagan, came forward. Flanagan clarified that he had purchased a 3000 watt enclosed generator to ensure a quieter operation. Flanagan wished to operate the stand only for the summer months, until the end of September. Flanagan also affirmed he would like to try late-night hours, as a previous food stand in the same location had catered to evening crowds.

Robert Petrie stated his concerns about the diminished aesthetic of the historic downtown area with food stands and tents. Petrie stated that there was rental space available downtown that could be utilized, and wished to see food carts and trucks be concentrated in one area not in the downtown area. The amount of street vending was getting bigger every year, as most alley ways and available sidewalk space were being utilized for this activity; Petrie felt it needed to be addressed before it became unmanagable.

Debbie Petrie had three primary concerns which were noise, trash, and restrooms for the applicant's customers. Petrie also noted that there was downtown space available for rent if the applicant wanted a space to operate his business from, and that there should be a dedicated area not in the central business district for this type of activity to occur.

Colvin stated that since the stand would only be doing fry bread, which was a specialty item rather than a whole meal, it didn't compete as much with downtown restaurants and was therefore in favor of it. Weaver said that he generally agreed with Mr. Petrie and felt that there should be a designated place for this type of activity, but that since a solution had not yet been found and it was too far into the summer season to wait for a such a place to be found and designated, he did not want to deny the request. Hughey echoed Weaver's thoughts, and also felt that the concerns raised in the public comment of this item, as well as the discussion item at the beginning of the meeting, were legitimate and needed be addressed.

M-Colvin/S-Weaver moved to approve the conditional use permit application for a food stand at 200 Lincoln Street subject to the conditions of approval. The property was also known as Lot 6, Block 1, Sitka Townsite. The request was filed by Colin Flanagan. The owners of record were Troy and Vickie Denkinger. Motion passed 3-0 by voice vote.

M-Colvin/S-Weaver moved to adopt the findings as stated in the staff report. Motion passed 3-0 by voice vote.

G [CUP 19-13](#)

Public hearing and consideration for a conditional use permit for a marijuana retail facility at 1210 Beardslee Way in the Industrial District. The property is also known as Lot 1B, Mick's Resubdivision. The request is filed by Marty and Elizabeth Martin, Justin Brown, and AKO Farms, LLC. The owner of record is Martin Enterprises, Inc.

Attachments: [CUP 19-13 Martin MJ Retail Staff Report](#)
 [CUP 19-13 Martin MJ Retail Aerial](#)
 [CUP 19-13 Martin MJ Retail Site Plan](#)
 [CUP 19-13 Martin MJ Retail Parking Plan](#)
 [CUP 19-13 Martin MJ Retail Photos](#)
 [CUP 19-13 Martin MJ Retail Plat](#)
 [CUP 19-13 Martin MJ Retail Deed](#)
 [CUP 19-13 Martin MJ Retail CUP Application](#)
 [CUP 19-13 Martin MJ Retail AMCO Application](#)

This item was pulled prior to the meeting at the request of the applicant.

VIII. ADJOURNMENT