



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: P 19-01
Proposal: Final Plat – additional lot within hybrid minor subdivision
Applicant: Daniel Falvey
Owner: Daniel Falvey and Kathleen O’Gara
Location: 123 Anna Drive
Legal Desc.: Lot 3, Miller Subdivision
Zone: R-2 multifamily residential district
Size: Existing: 58,910 square feet, Proposed: Lot 1 – 31,253 sf, Lot 2 –27,599 sf
Parcel ID: 3-0950-030
Existing Use: Residential
Adjacent Use: Residential
Utilities: Anna Drive
Access: Anna Drive

KEY POINTS AND CONCERNS:

- Conceptual proposal approved by the Commission at their March 6, 2019 meeting.
Preliminary plat and platting variance granted at October 16, 2019 meeting.
- Approved as an additional lot within a hybrid minor subdivision
- Lots meet dimensional development standards of 6,000 square feet net of access easements.
- Applicant has created and recorded an access and maintenance agreement for the access and utility easements serving the neighboring area.
- Applicant has completed a drainage study.

RECOMMENDATION:

Approve the final plat of the minor subdivision of 123 Anna Drive subject to the attached conditions of approval.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Current Plat
Attachment C: Preliminary Plat
Attachment D: Photos
Attachment E: Drainage Report
Attachment F: Site Plan
Attachment G: Applicant Materials

BACKGROUND:

The applicant proposes to subdivide 123 Anna Drive into two lots. 123 Anna Drive is currently a lot in a minor subdivision of four lots. Creating an additional lot would create a fifth lot in the minor subdivision. Five lot minor subdivisions are allowed under Chapter 21.36 of Sitka General Code, and are considered hybrid subdivisions. Sitka General Code describes two types of hybrid subdivisions. The applicant proposes the first type, *“The first classification is a subdivision that contains five lots where the first lot has access and utility connections directly off of a dedicated street right-of-way that has been accepted for maintenance by the State of Alaska or the City and Borough of Sitka.”* (SGC 21.36.010)

123 Anna Drive is a “flag” shaped lot, with the “pole” of the flag making direct contact with the right-of-way. The newly created lot would be the “first lot” in the hybrid subdivision, meaning that it would have a direct connection to the right-of-way. The applicant has sought a platting variance to connect the newly created lot to the private utility system rather than the public utility system (see action V 19-05). As was previously noted, there was not a maintenance agreement for the private utility system that currently serves 4 lots in the subdivision. The applicant has created a new maintenance agreement which includes provisions for the access easement and for the utility infrastructure. This agreement has been signed by all affected properties and recorded with the State of Alaska.

PROJECT DESCRIPTION:

The proposed minor subdivision is intended to divide Lot 3 of the Miller Subdivision into two lots. The newly created parcels will exceed the development standards for the R-2 zoning district, the minimum lot size in this zone is 6,000 square feet net of access easements. In the proposed subdivision, the lots will have the following sizes (measured net of access easements):

- Lot 1: 24,233 sf
- Lot 2: 13,887 sf

The applicant intends to build a single-family home on the newly created Lot 2 and has begun some lot preparation and clearing to better inform full site plans.

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.¹ These factors are analyzed in the below Analysis section.

¹ SGC Section 21.04.020

Development Standards

The minimum lot area for the R-2 District is 6,000 square feet. Both resulting lots will meet these minimums.

ANALYSIS:

Site: Lot is currently large and sparsely developed. Though there is steep topography, there is buildable area that can be accessed via existing roadway.

Utilities: Utilities are available via a utility easement from Anna Drive. Platting variance approved as properties connected to the easement would exceed 4. Maintenance agreements for utility easements is developed and recorded, and will be cited via plat note.

Access, Roads, Transportation, and Mobility: Newly created Lot 2 is flag shaped with the “pole” of the flag making contact with a right-of-way. Access for Lot 1 changes legally but not practically; Lot 1 becomes a grantee, rather than the grantor, of the access easement. Maintenance agreement for access easement is developed and recorded, and will be cited via plat note.

Public, Health, Safety and Welfare: Locations for utilities are planned via proposed platted easements. A condition of approval requires all utility installations to undertake the required permitting processes. Creates developable lot in a residential neighborhood.

Orderly and Efficient Layout and Development: The historic development of the neighborhood was not necessarily the most efficient approach given resulting access and utility challenges. However, current proposal more fully utilizes available space and created clarity for utility maintenance.

COMPREHENSIVE PLAN

The proposed minor subdivision final plat complies with the Comprehensive Plan by following the subdivision process, and encourages higher density housing development of otherwise vacant land.

RECOMMENDED MOTIONS

1. “I move to approve the final plat of a hybrid minor subdivision to result in two lots at 123 Anna Drive in the R-2 multifamily residential district subject to the attached conditions of approval. The property is also known as Lot 3, Miller Subdivision. The request is filed by Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O’Gara.”

Conditions of Approval.

- 1) All utilities, including water, sewer, and electricity shall be required to have an approved permit from the municipality; and all utility permits and design shall comply with all applicable code and design polices including, but not limited to 15.04.100, 15.04.110, 15.04.240, and 15.04.250.
 - 2) This subdivision development and the plat, prior to recording, complies with all applicable Sitka General Code.
 - 3) All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
 - 4) Easement maintenance agreements for the access and utility easements shall be developed and recorded before final plat approval.
 - 5) All easement agreements will be cited via plat notes. The City and Borough of Sitka is a party to all easements.
-
2. “I move to adopt the findings as listed in the staff report”:
 - a. The final plat meets its burden of proof as to access, utilities, and dimensions as proposed;
 - b. The proposed minor subdivision final plat complies with the Comprehensive Plan by following the subdivision process, and enables economic development of otherwise vacant land;
 - c. The proposed minor subdivision final plat complies with the subdivision code; and
 - d. The minor subdivision final plat is not 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.