



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: ZA 20-02  
Proposal: Add a definition for “bulk retail” and change “bulk retail” to a conditional use in Industrial zones  
Applicant: Jeremy and Savannah Plank  
Location: N/A  
Legal: N/A  
Zone: Industrial

### **PROJECT DESCRIPTION**

This request is for a zoning text change to amend the Sitka General Code (SGC) to add a definition of “Bulk retail” - a use that is identified in the zoning code’s use tables but not defined, and to make “Bulk retail” a conditional use in Industrial zones.

### **KEY POINTS AND CONCERNS**

- Bulk retail is already an identified use in the zoning code, this amendment provides clarity to enable better administration of this use.
- A few retail uses are currently allowed in the Industrial zone – bulk retail is a logical extension of these uses in the Industrial zone.
- Making bulk retail a conditional use in the Industrial zone will allow staff and the Commission to analyze on a case-by-case basis the appropriateness of categorizing a proposal as bulk retail and consider whether it will be conducive to the industrial area in question.
- Other professional and political organizations have worked to create a definition of bulk retail that can be adopted for local use.
- The applicants are working with staff to operate a business under the name “Sitka Bulk Retail” in an industrial zone.

### **RECOMMENDATION**

Staff recommends approval of this zoning text change.

### **ATTACHMENTS**

Attachment A: Draft Ordinance

Attachment B: APA Glossary of Zoning, Development, and Planning Terms Excerpt

Attachment C: Applicant Materials

## **BACKGROUND**

The intent of the Industrial zone as stated in SGC 22.16.110 is *“for industrial or heavier commercial uses including warehousing, wholesale, and distribution operations, manufacturing, natural resource extraction, contractors’ yards, and other such uses that require larger property or larger water and sewer services.”*

Retail services are very limited, primarily allowing wholesale, business-to-business type sales. Allowed retail uses currently include (per SGC Table 22.16.015-6):

- Building, hardware and garden materials
- Bulk forest products sales
- Retail forest products sales
- Agricultural product sales
- Gasoline service stations
- Monuments, tombstones, and gravestones
- Fuel dealers

Conditional uses in the Industrial zone include eating and drinking places, and marijuana retail facilities.

“Bulk retail” is a use that is identified in the use tables of the zoning code under 22.16.015-6 Retail and Business Uses. Bulk retail is allowed in the C-1 and C-2 zones, and a conditional use in the GI and LI zones. It is a prohibited use in the Industrial zone. However, the zoning code lacks a definition of what constitutes bulk retail.

The American Planning Association (APA) in its Glossary of Zoning, Development, and Planning Terms defines bulk retail as: *“A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e. “big box” retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry out goods (e.g., groceries, household, and personal care products).”*

Staff recommends that along with changing the zones of allowed/conditional use of this activity, we adopt the above definition into Sitka’s zoning code to allow for/enable better administration of the use.

## **ANALYSIS**

**Definition:** As previously stated, the zoning code recognizes bulk retail as a use, but does not provide a definition of said use. Adopting a definition of this use would make it easier for both staff and the Commission to administer. Even the definition provided by the APA requires a degree of judgement, so having a baseline of standards from which to judge is an important code update.

**Use:** When considering the other allowed retail uses in the Industrial zone, there are a few common themes. First, retail sales are limited to items conducive/related to other industrial uses – construction, garden, agricultural, gasoline, and stonework. Second, most of these items generate only moderate, rather than high, vehicular and pedestrian traffic. The current allowed retail uses are not “convenience” in nature that would draw in high traffic, and thereby do not conflict with large vehicle and heavy machinery traffic needed for other industrial uses. Third, the allowed retail uses are not what staff would characterize as “aesthetically sensitive”. Patrons of apparel, jewelry, hobby, craft supply, art, books, florists, and other specialty retail stores, may expect a particular aesthetic of the stores and surrounding areas. These expectations could create conflict between shop owners and other industrial users if in close proximity to one another. The current allowed retail uses in the industrial zone are not of this “aesthetically sensitive” nature.

Bulk retail fits within these themes of currently allowed retail uses in Industrial zones. The items themselves are large, categorized products (their relatedness to industrial use is proposal-specific). Bulk retail would likely generate only moderate traffic, as bulk retail operations do not sell convenience goods. Most consumers would visit this type of establishment on a once-weekly or bi-weekly basis due to the large quantities of packaging/goods sold. Lastly, bulk retail takes place in a “warehouse” type setting conducive to many Industrial properties/developments.

Making bulk retail a conditional use, rather than allowed use, in Industrial zones allows staff and the Commission to consider these factors and determine on case-by-case basis if the proposal 1) fits within the definition of bulk retail and 2) is conducive with the industrial area in question.

## **STAFF RECOMMENDATION/CONCLUSION**

Staff recommends the zoning text change to amend Title 22 of the Sitka General Code to add a definition of “Bulk retail” and to make bulk retail a conditional use in the Industrial zone.

## **RECOMMENDED MOTION**

**“I move to recommend approval of the zoning text change to amend Title 22 of the Sitka General Code to add a definition for bulk retail, and to make bulk retail a conditional use in Industrial zones.”**

Ainslie described the short term rental located directly off of Halibut Point Road near Sandy Beach, in a stand-alone single family residence located on a large lot, with good parking and setbacks from the highway. Ainslie stated that this property had a good buffer with neighbors, one of whom provided a letter of support for the conditional use permit. This property already passed a health, life, and safety inspection.

Applicants Charles and Theresa Olson were present telephonically, and stated that they wanted to use the property as a rental in the summer to offset costs, and that it was otherwise used by them for project space. Staff recommended approval.

**M-Mudry/S-Hughey moved to approve a conditional use permit for a short-term rental at 2160 Halibut Point Road in the R-1 MH single-family, duplex, and manufactured home zoning district. The property was also known as Lot 1, Vonrekowski Subdivision. The request was filed by Charles and Theresa Olson. The owners of record were Charles and Theresa Olson. Motion passed 3-0 by voice vote.**

**M-Mudry/S-Hughey moved to adopt the findings as listed in the staff report. Motion passed 3-0 by voice vote.**

E. [ZA 20-02](#)

Public hearing and consideration of a zoning text amendment to Title 22 of the Sitka General Code to add a definition of bulk retail, and make bulk retail a conditional use in Industrial zones. The request is filed by Jeremy and Savannah Plank.

**Attachments:**     [ZA 20-02 Plank Bulk Retail ZMA Staff Report](#)  
                              [ZA 20-02 Plank Bulk Retail ZMA Draft Ordinance](#)  
                              [ZA 20-02 Plank Bulk Retail ZMA APA Glossary Excerpt](#)  
                              [ZA 20-02 Plank Bulk Retail ZMA Applicant Materials](#)

Ainslie stated that this zoning amendment had two parts: the definition of bulk retail, and the zone in which it can be used. Ainslie stated that bulk retail was present as a use in the city code use table, and noted that it was allowed in C-1 and C-2 zoning, and conditionally in the large and general island zones. Ainslie noted bulk retail did not currently have a definition in the code. Ainslie stated she used the definition provided by the American Planning Association to form the proposed amendment language.

Having defined bulk retail, Ainslie stated changing bulk retail from a prohibited to conditional use in industrial areas was the second feature of this zoning text change, and noted the Industrial zone allowed for the sale of building, hardware, and garden materials, bulk forest/agricultural products, fuel, etc to the general public and/or other retailers in a warehouse setting. Ainslie noted that there were three things in common between what the code allowed in industrial zones, and the proposed changes: Items sold are used in other industrial activity, sales generate low to moderate traffic, and retail currently allowed in industrial zones is not aesthetically sensitive.

Ainslie stated that staff considered bulk retail to be conducive to industrial zones, the conditional permitting allowed for case-by-case review of the zoning change, and the codified definition provided ease of administration. Staff recommended approval.

Applicants Jeremy and Savannah Plank were present. Mr. Plank stated he recently opened a bulk goods store, which required a warehouse setting allowing for pallet transport of large quantities of goods.

Richard Wein provided public comment regarding the importance of retail diversity and affordability. He stated his support for the proposal.

**M-Hughey/S-Mudry moved to approve the zoning text amendment to Title 22 of the Sitka General Code to add a definition of bulk retail, and make bulk retail a conditional use in Industrial zones. The request was filed by Jeremy and Savannah Plank. Motion passed 3-0 by voice vote.**

**F. [MISC 20-02](#)**

Discussion/Direction on the No Name Mountain/Granite Creek Master Plan stakeholder outreach

**Attachments:**     [Stakeholder Survey](#)

Special Projects Manager Scott Brylinsky provided an update on the progress of Jones & Jones consultants on the No Name Mountain master plan. Brylinsky explained that the consultants were looking for abundant and diverse public input, which was needed for success. Brylinsky requested that the Planning Commission, as well as the general public, provide contacts for knowledgeable parties and stakeholders to Jones & Jones, as they needed as much local input as possible. Brylinsky stated that he planned on circulating a questionnaire/survey to the public, with hopes of obtaining additional feedback.

Richard Wein spoke up during public testimony, and stated that Sitka had a great deal of experienced individuals and local knowledge, and that it was important to continue to add layers of information to the process. Spivey suggested distribution of the survey via local businesses.

**VIII. ADJOURNMENT**

**Seeing no objection, Chair Spivey adjourned the meeting at 7:38 PM.**



# A Glossary of Zoning, Development, and Planning Terms

*Edited by Michael Davidson and Fay Dolnick*

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American Planning Association

Planning Advisory Service  
Report Number 491/492

Establishments engaged in selling commodities or goods in small quantities to ultimate customers or consumers. (*Burlingame, Calif.*)

A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function" of the business when such sales equal at least 80 percent of the gross sales of the business. (*Maple Grove, Minn.*)

The retail sale of any article, substance, or commodity within a building but not including the sale of lumber or other building materials. (*King City, Calif., which uses the term "retail business"*)

■ **retail sales establishment, bulk merchandise** A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., "big box" retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry out goods (e.g., groceries, household, and personal care products). (*Federal Way, Wash.*)

■ **retail sales establishment, food** Any establishment selling food or beverages for consumption off-premises either immediately or with further preparation. Such establishments may include, but not be limited to, supermarket, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments. (*Champaign, Ill.*)

■ **retail sales establishment, general merchandise** Establishments that are retail operations that carry an assortment of merchandise from all the other categories. Such establishments may include, but are not limited to, department

store, discount store, farm store, and similar establishments. (*Champaign, Ill.*)

■ **retail sales establishment, household** Establishments are retail operations that sell goods for furnishing or improving housing units. These establishments may include, but are not limited to, furniture store, home improvement center, electronic store, appliance store, and similar establishments. (*Champaign, Ill.*)

■ **retail sales establishment, specialty** Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments. (*Champaign, Ill.*)

■ **retail services establishment** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries. (*Maryland Heights, Mo.*)

■ **retaining wall** A wall or similar structure devised used at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling. (*Beaufort County, S.C.*)

Any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall. (*Fort Wayne, Ind.*)

A wall or terraced combination of walls used to retain more than 18 inches of material and not used to support, provide a foundation for, or provide a wall for a building or structure. (*Beverly Hills, Calif.*)

■ **retaining wall, enclosed** A retaining wall located on a lot such that it is visually shielded by other permanent structures and cannot be seen from public streets and adjacent lots. (*Oakland, Calif.*)

■ **retention** (See also *detention definitions*) The permanent on-site maintenance of stormwater. (*Gurnee, Ill.*)

■ **retention basin** A wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway. (*Grand Traverse County, Mich.*)

■ **retention system** A stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate. Flows exceeding the limited rate are stored until they can be released at the limited rate (when the runoff rate into the system drops below the limited rate). A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm. (*Redmond, Wash.*)

■ **retreat center** A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings. (*Carroll County, Md.*)

■ **retrofitting** To improve or reconstruct an existing facility with the intent of bringing it into compliance (or where that is not feasible, more nearly into compliance) with modern standards for such facilities. . . . (*Volusia County, Fla.*)

■ **reversion clause** A requirement that may accompany special use permit approval or a rezoning that returns the property to its prior zoning classification if a specified action, (such as taking out a building permit or beginning construction) does not begin in a specified period of time, say, one year. (*Handbook for Planning Commissioners in Missouri*)

■ **rezoning** An amendment to the map and/or text of a zoning ordinance





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐

VARIANCE

☐

CONDITIONAL USE

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ZONING AMENDMENT

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PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** We are requesting a zoning text change to allow the planning department to issue a conditional use permit for Bulk Retail operations occurring within an industrial zoned building

**PROPERTY INFORMATION:** N/A

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): \_\_\_\_\_ PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

✓ PROPERTY OWNER: \_\_\_\_\_

✓ PROPERTY OWNER ADDRESS: \_\_\_\_\_

✓ STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPLICANT'S NAME: Jeremy & Savannah Plank

MAILING ADDRESS: 110 Sand Dollar Dr. Sitka, AK 99835

EMAIL ADDRESS: plankj@outlook.com DAYTIME PHONE: 425-269-3921

**PROPERTY LEGAL DESCRIPTION:** N/A

TAX ID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ US SURVEY: \_\_\_\_\_

Last Name

Date Submitted

Project Address



## REQUIRED INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ ~~Site Plan~~ showing all existing and proposed structures with dimensions and location of utilities
- ☐ ~~Floor Plan~~ for all structures and showing use of those structures
- ☐ ~~Copy of Deed~~ (find in purchase documents or at Alaska Recorder's Office website)
- ☐ ~~Copy of current plat~~ (find in purchase documents or at Alaska Recorder's Office website)
- ☐ ~~Site photos showing~~ all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment **\$100 + tax**

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
ZONING AMENDMENT APPLICATION

## APPLICATION FOR

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ZONING MAP AMENDMENT

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ZONING TEXT AMENDMENT

### ANALYSIS: (Please address each item in regard to your proposal)

- NEED/HARDSHIP/JUSTIFICATION FOR PROPOSAL: Due to Sitka's limited size with limited commercial retail, this will open up opportunities and spaces, upon board approval, for new business to try and start new businesses without incurring the high commercial rent.
- PUBLIC BENEFIT OF PROPOSAL: A text change will allow the board to review requests for new business looking for cheaper sites to get started and/or operate. They are still subject to Life's Safety inspections.
- CONSISTENCY WITH COMPREHENSIVE PLAN (Cite Section and Explain): This doesn't change existing plans, but allows the board to hear cases from business owner & approve requests if satisfactory to the board.
- CONSISTENCY WITH PHYSICAL BOUNDARIES (Streets, Major Creeks, etc.): There are no changes from this request.

- DOES NOT RESULT IN SPOT ZONING BECAUSE: W/A - no changes

- PUBLIC HEALTH, SAFETY, AND WELFARE: No impact to public health, safety, or welfare as all premises are still subject to city inspections.

Jeremy Plank  
Applicant

1-5-20  
Date

Plank  
Last Name

1-5-20  
Date Submitted

\_\_\_\_\_  
Project Address