



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: P 20-02
Proposal: Minor subdivision to result in 2 lots
Applicant: State of Alaska Department of Natural Resources, Division of Mining, Land and Water, and North57 Surveying
Owner: State of Alaska
Location: NHN Shotgun Alley
Legal Desc.: Lot 14, USS 3557
Zone: SFLD single-family low density
Size: Existing: Approx. 0.76 acres
Proposed: Lot 1 – 18,740 square feet, Lot 2 – 5,484 square feet
Existing Use: Undeveloped
Adjacent Use: Residential, undeveloped
Utilities: Shotgun Alley
Access: Shotgun Alley

KEY POINTS AND CONCERNS:

- Land is owned by the State
- This subdivision clarifies ROW placement and eases encroachment issues
- Platting variance VAR 20-03 addressed the need to create Lot 1 of this proposed subdivision as a substandard lot
- Lot 2 will be a standard-size residential lot available to the public for competitive bid
- Access via Shotgun Alley, a developed city ROW with access to utility infrastructure

RECOMMENDATION: Approve the proposed final plat for a minor subdivision subject to the attached conditions.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Final Plat
Attachment C: Planning Minutes 3.4.20
Attachment D: Applicant Materials

BACKGROUND: When the State of Alaska originally platted the right-of-way for Shotgun Alley, the planned route for the road did not match some of the improvements/ROW construction undertaken by nearby private property owners as well as CBS. The result is that in some places, the built ROW encroaches on State owned land and private property. The State has been working with CBS to alleviate these encroachments.

In doing so, a new residential lot will also be created (shown as Lot 2 on the plat). The zoning in this area is single-family low density (SFLD), with a minimum lot size of 15,000 square feet. The new plat, while dedicating space for the ROW, still creates a lot with 18,740 square feet. It is intended that this lot would be available for public auction in 2021 pending successful subdivision.

In exchange, the State would like to sell a parcel that was originally designated as ROW (but not developed as such), shown as Lot 1 on the plat. Given its status as a ROW, the owner of 210 Shotgun Alley, Bart Meyer, has been able to utilize the proposed Lot 1 for access and utility connections. Given this historic use of the land by Mr. Meyer, selling the lot to any other property owner would either result in 1) the stranding of 210 Shotgun Alley or 2) the permanent need for the complex entanglement of access and utility easements as shown on the plat, with no net increase in buildable space. Therefore, the best use of this land as agreed between the State, Mr. Meyer, and CBS staff is for this new lot to be created, sold to Mr. Meyer, and then incorporated as a single lot.

At its March 4, 2020 meeting, the Planning Commission approved a platting variance to create Lot 1 as a substandard lot.

PROJECT DESCRIPTION:

The new subdivision will create 2 new lots. As previously described, Lot 1 has been intentionally created as a substandard lot to enable a preference sale (i.e. non-competitive sale) of the lot to an adjacent property owner (most likely Mr. Meyer). Post successful subdivision of Lot 1, Mr. Meyer will replat Lot 1 and his current lot into a single lot, removing the easements that serve his lot. However, the 25' public access easement "to and along" the shoreline will need to remain in place. The final plat has a plat note stating that Lot 1 can only be sold to an adjacent property owner and must be incorporated into an adjacent lot (via lot merger).

The newly created Lot 2 will be made available for residential development. City Police, Fire, Electric, Building, and Public Works departments have all weighed in that additional development of this lot is possible with existing infrastructure, and that emergency services will have no issues accessing or servicing the lot.

Working with Public Works, the State has designated space for the ROW, extending to the southeast corner of the current Lot 14 USS 3557, and 24' from the centerline of the built ROW.

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

Title 22

22.16.030 SF/SFLD single-family residential and single-family low density residential districts

A. Intent.

1. The SF/SFLD districts are intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.
2. The SF/SFLD districts are very restrictive districts and may also be utilized as holding districts for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.
3. For the SFLD, all provisions of the SF district shall apply except that the minimum lot size shall be fifteen thousand square feet.
4. This district is intended for areas where the lack of utilities or topography makes increased density undesirable.

B. Prohibited Uses. Short-term rentals are prohibited in SF and SFLD districts.

Zoning Development Standards

The minimum lot area for the SFLD district is 15,000 square feet. Minimum lot width is 80 feet. Proposed Lot 2 meets these requirements; Lot 1 intentionally does not.

PROJECT ANALYSIS

Site: The proposed Lot 1 has been cleared for utility infrastructure and has an access driveway in place to serve 210 Shotgun Alley. The proposed Lot 2 is heavily wooded and undeveloped.

Utilities: City utilities are available to service the new Lot 2. Water and sewer mains are located beneath Shotgun Alley; lift/pumping would likely be necessary for wastewater. Electric is available with existing infrastructure; an additional pole or pad mount transformer may be necessary but can be determined by owners/developers along with CBS Electric Department.

¹ SGC 21.04.020

Access, Roads, Transportation, and Mobility: Driveway permits must be obtained from CBS Public Works. Lots are otherwise accessed from a developed city ROW.

Public, Health, Safety and Welfare: Fire and Police departments found no public safety concerns during the design review committee process.

Rec, Light, Air: Lots are located in a desirable and scenic residential neighborhood. New residential lot (Lot 2) will have ample space for building and recreational enjoyment.

Orderly and Efficient Layout and Development: The applicants have proposed a thorough plan for the area, including the alleviation of ROW encroachment, platting of Lot 1 to be structured as a preference sale to 210 Shotgun Alley such that the lot provides access and utilities across its own property, and careful consideration of access point preservation for Lot 2.

Comprehensive Plan

The proposed minor subdivision complies with Comprehensive Plan Section on Housing by “expanding the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods.”

RECOMMENDATION

Staff recommends that the Planning Commission move to approve the proposed subdivision subject to the attached conditions and findings.

RECOMMENDED MOTIONS

- 1) **I move to approve the** final plat for a minor subdivision to result in two lots at NHN Shotgun Alley in the SFLD single-family low density district subject to the attached conditions of approval. The property is also known as Lot 14, USS 3557. The request is filed by the State of Alaska Department of Natural Resources Division of Mining, Land and Water and North57 Surveying. The owner of record is the State of Alaska.

A. 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 policies,
2. This subdivision development and the plat, prior to recording, shall comply with all applicable Sitka General Code.
3. Please note: Minor errors, corrections, and language of plat notes may be approved by planning staff that do not substantially and materially impact the nature of the subdivision.

4. All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
5. Easement and maintenance agreements for all proposed easements shall be recorded.
6. All easement agreements will be cited via plat notes.
7. A plat note stating that Lot 2 can only be transferred to an adjacent property owner, and that Lot 2 must attach to an adjacent lot post a successful transaction shall remain on the recorded plat.

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 Section on Housing by “expanding the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods”;
- 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.