



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: ZA 20-04
Proposal: Zoning Map Amendment: R2 to C
Applicant: Sitka Tribe of Alaska
Owner: Sitka Tribe of Alaska
Location: NHN Sawmill Creek Road
Legal Desc.: Lot 2-2, Sheldon Jackson Campus Subdivision Number 2
Zone: R-2 multifamily residential
Size: 54,110
Parcel ID: 1-8562-055
Existing Use: Cemetery
Adjacent Use: Former SJ Campus, recycling center, cemeteries, State Troopers
Utilities: N/A
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Lots have been historically used for burial/cemetery, but zoned with the former SJ campus as R-2
- CBS created a new Cemetery zoning district in the spring of 2019. This will be the first property to be rezoned under the Cemetery district.
- Spot zoning is to be expected with Cemetery zoning.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Zoning Map
Attachment C: Plat
Attachment D: Applicant Materials

PROJECT DESCRIPTION

The applicants are requesting a zoning map amendment from R-2 multifamily residential to C cemetery for their lot on Sawmill Creek Road, formerly part of the Sheldon Jackson College Campus.

In deliberations, commissioners need to keep in mind that in the intention of the Cemetery zone is to create small pockets of protection for properties used for burial/cemetery purposes. As historic burial sites are proximate to other development, it is expected that in many cases, rezoning a property to Cemetery will result in acceptable spot zoning.

BACKGROUND

Prior to 2019, the city zoning code lacked a designation for cemeteries, historically residing in residential zones such as R-1 or R-2, or Public zones. This change was the result of concerns raised during the Comprehensive Plan process, identifying the need for better tracking of burial sites, protection of these historic areas, and to help ease the process of obtaining burial permits. This rezoning is the first property that will now be under the newly created Cemetery district.

The applicant is motivated to pursue this zone change because they would like to better preserve and protect the cemetery, apply for grants for the maintenance of the cemetery, and more easily track burial sites.

Descriptions of each zoning district:

SGC 22.16.050 R-2 multifamily residential district

- A. *Intent. The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.*

SGC 22.16.180 – C cemetery district

- A. *Intent. The cemetery district is intended to contain land used for cemeteries and limited accessory uses. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred. This a highly restrictive district.*

ANALYSIS

Project / Site: Lot to be rezoned is 54,110 square feet. Lot is not developed as it has historically been used as a cemetery/burial site.

Traffic: Heavy traffic on the right-of-way next to the property. Current cemetery use (which would not change with the rezoning) generates very little traffic.

Parking: Space is available to create parking if it would be desired by the property owner. No parking requirements for cemetery use.

Noise: Very minimal – intention of cemetery is to be a quiet, peaceful environment.

Public Health or Safety: No impacts to public health or safety anticipated.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: Cemetery zoning would likely result in less property value given the highly restricted nature of the zone and its use limitations, particularly in comparison to the high density residential uses allowed in R-2. However, the use of the

property will not change, as it has historical use as a cemetery. This zoning change is an attempt to have the zoning accurately reflect the use of the property. Therefore, there's very little anticipated change to the character of the neighborhood or neighborhood harmony due to this zoning change.

Comprehensive Plan: The proposal directly correlates to Historical, Cultural, and Arts Resources Action HCA 1.1c: *Coordinate and collaborate with interested parties to compile cemetery information* by using our zoning maps to both identify and protect land used for cemeteries.

STAFF RECOMMENDATION/CONCLUSION

Staff recommends approval of the zoning map amendment.

RECOMMENDED MOTIONS

- 1) **"I move to recommend approval of the zoning map amendment to rezone NHN Sawmill Creek Road from the R-2 multifamily residential district to the Cemetery district. The property is also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request is filed by the Sitka Tribe of Alaska. The owner of record is the Sitka Tribe of Alaska."**
- 2) **"I move to adopt the findings as listed in the staff report."**

The commission finds that:

- a. The zoning map amendment does not negatively impact the public health, safety, and welfare,
- b. The zoning map amendment has followed all code regarding amending the official zoning map with regards to public process;
- c. The zoning map amendment will not result in adverse effects on surrounding neighbors.
- d. The zoning map change is consistent with the public purpose of increasing commercial opportunities.
- e. The zoning map amendment comports with the Comprehensive Plan by aligning with goal HCA 1.1c: *Coordinate and collaborate with interested parties to compile cemetery information*.

VII. THE EVENING BUSINESS

- B** [ZA 20-04](#) Public hearing and consideration of a request for a zoning map amendment to rezone NHN Sawmill Creek Road from R-2 multifamily residential to C cemetery district. The property is also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request is filed by the Sitka Tribe of Alaska. The owner of record is the Sitka Tribe of Alaska.

Attachments: [ZA 20-04 STA SMC ZMA Staff Report](#)
 [ZA 20-04 STA SMC ZMA Aerial](#)
 [ZA 20-04 STA SMC ZMA Zoning Map](#)
 [ZA 20-04 STA SMC ZMA Plat](#)
 [ZA 20-04 STA SMC ZMA Applicant Materials](#)

Ainslie described the property and the new cemetery zoning in her report. The cemetery zone had been created in 2019 due to most cemeteries being located in residential or public zones. The newly created zone would help protect and identify burial sites in those areas. The Historic Preservation Commission had supported the creation of the cemetery zone to better preserve burial grounds and avoid difficulties with obtaining burial permits in the future. Ainslie noted that spot zoning may occur when rezoning cemeteries due to the locations, but it was acceptable and appropriate for this use. The property in question was the first to seek the rezoning. The 1 ¼ acre cemetery owned by Sitka Tribe of Alaska (STA) was located behind the former Sheldon Jackson College campus and had been used historically as a cemetery in conjunction with the use and operation of the campus. The campus and cemetery were currently zoned in the R-2 district. Ainslie mentioned the rezoning would help STA document burial sites, ease the process of obtaining burial permits, and protect the cemetery. She noted the zoning could also make the site more likely to qualify for grants for improvements, maintenance, and protection. Staff recommended approval.

Steven Hartford, legal director to the Tribe and representative of the applicant, was present. He noted the property had been identified by Tribal Elders for historic preservation. The zoning would assist STA in identifying and protecting an historic property that was significant to the Tribe and community at large. When asked, Hartford clarified there were burials already on the site. The rezoning would allow the Tribe to apply for grants to identify and preserve the sites.

M-Weaver/S-Mudry moved to approve a zoning map amendment to rezone NHN Sawmill Creek Road from R-2 multifamily residential to C cemetery district. The property was also known as Lot 2-2, Sheldon Jackson Campus Subdivision Number 2. The request was filed by the Sitka Tribe of Alaska. The owner of record was the Sitka Tribe of Alaska. Motion passed 4-0 by voice vote.

M-Weaver/S-Mudry moved to adopt the findings as listed in the staff report. Motion passed 4-0 by voice vote.

- C** [VAR 20-07](#) Public hearing and consideration of a variance to reduce a rear setback from 5 feet to 1.5 feet at 4658 Sawmill Creek Road in the Gary Paxton Special District. The property is also known as Lot 17, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by the City and Borough of Sitka Department of Public Works. The owner of record is the City and Borough of



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: To change the zoning of 804 Sawmill Creek Road
from having no zoning to "cemetery" zoning.

PROPERTY INFORMATION:

CURRENT ZONING: None PROPOSED ZONING (if applicable): Cemetery
CURRENT LAND USE(S): Cemetery PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Sitka Tribe of Alaska
PROPERTY OWNER ADDRESS: 456 Katlian Street Sitka, Alaska 99835
STREET ADDRESS OF PROPERTY: 804 Sawmill Creek Road Sitka, Alaska 99835
APPLICANT'S NAME: Sitka Tribe of Alaska C/O Lisa Gassman
MAILING ADDRESS: 456 Katlian Street Sitka, Alaska 99835
EMAIL ADDRESS: lisa.gassman@sitkatriben-snn.gov DAYTIME PHONE: 907-747-3207

PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-8562-055 LOT: 2-2 BLOCK: 2010-13 TRACT: N/A
SUBDIVISION: SJC2 US SURVEY: 407B

Sitka Tribe of Alaska

Last Name

06/17/2020

Date Submitted

804 Sawmill Creek Road

Project Address

REQUIRED INFORMATION:

For All Applications:

- N/A ☐ Completed General Application form
- N/A ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- N/A ☐ 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 or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

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.

Leslie Kanner for Sitka Tribe of Alaska
Owner

6/17/2020
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

Sitka Tribe of Alaska

06/17/2020

804 Sawmill Creek Road

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
SUPPLEMENTAL APPLICATION FORM
ZONING AMENDMENT APPLICATION

APPLICATION FOR



ZONING MAP AMENDMENT



ZONING TEXT AMENDMENT

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

- NEED/HARDSHIP/JUSTIFICATION FOR PROPOSAL: To preserve the cemetery and better protect the historic land.
- PUBLIC BENEFIT OF PROPOSAL: Allows the owners to apply for grants for up keep and helps track where people are buried
- CONSISTENCY WITH COMPREHENSIVE PLAN (Cite Section and Explain): Yes, Sitka Historical Preservation Conservation are updating their preservation plan.
- CONSISTENCY WITH PHYSICAL BOUNDARIES (Streets, Major Creeks, etc.): Yes, Sitka National Cemetery and Sitka National Historical Park
- DOES NOT RESULT IN SPOT ZONING BECAUSE: Historic Preservation
- PUBLIC HEALTH, SAFETY, AND WELFARE: Existing

Applicant

Date

Sitka Tribe of Alaska 06/17/2020

804 Sawmill Creek Road

Last Name

Date Submitted

Project Address