



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Debra Pohlman*  
*Randy Hughey*  
*Richard Parmelee*

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Tuesday, January 17, 2017

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Vice-Chair Windsor called the meeting to order at 7:02 PM.

Present: Windsor, Pohlman, Parmelee, Hughey, Knox (Assembly Liaison)

#### II. CONSIDERATION OF THE AGENDA

In regard to Item M, Windsor doesn't know why we're giving up a regular meeting for the comprehensive plan. Pohlman stated that it is a short discussion of top priorities. Scarcelli stated that it should be a short discussion, and the comprehensive plan is on a timeline. Scarcelli stated that no new information is being presented, but this is a discussion of top priorities from prior meetings.

#### III. CONSIDERATION OF THE MINUTES

A Approval of the December 20, 2016 meeting minutes.

Parmelee/Pohlman moved to **APPROVE** the December 20, 2016 meeting minutes.

**Motion PASSED 4-0.**

B Approval of the January 3, 2016 meeting minutes.

Parmelee/Pohlman moved to **APPROVE** the January 3, 2017 meeting minutes.

**Motion PASSED 4-0.**

#### IV. REPORTS

C Planning Regulations and Procedures.

D Annual report for a conditional use permit granted to Roberta Littlefield for a kennel at 4102 Halibut Point Road. No action required.

E Annual report for a conditional use permit for a short-term rental granted

to William Hutton at 1232 Georgeson Loop. No action required.

## **V. THE EVENING BUSINESS**

**F** Election of officers for 2017.

Hughey/Parmelee moved to elect Spivey as Chair for 2017.

Motion PASSED 4-0.

Pohlman/Parmelee moved to elect Windsor as Vice-Chair for 2017.

Motion PASSED 4-0.

**G** Annual review of a conditional use permit granted to Karen Lucas for a non-motorized food cart at 242 Katlian Avenue. The property is also known as Lot 21 Block 1 Sitka Indian Village, US Survey 2542. The owner of record is Karen Lucas.

Pierson explained the history of the permit, granted approximately one year ago for a non-motorized food truck at 242 Katlian Avenue. Early concerns were for parking and smoke. Staff have not heard any recent concerns. Staff recommend approval of the annual review.

Gary May stated that he plans to be open by March or April, but operations are overall remaining the same. May stated that he may add a tent enclosure. May stated that he had worked with the neighbor on the smoke problem.

Dan Stockel stated that he owns the building next door. Stockel stated that he thinks the operation is a great operation, but doesn't think it should be allowed in its location because of the open smoke pit adjacent to an apartment building. Stockel stated that parking is an issue. Stockel stated that the operation's storage operation causes excessive bird activity. Stockel wondered if the city could find May some land that is better suited to the use.

Karen Lucas stated that she received 2 concerned phone calls within a week of the business's operation, but has not received concerns since. Lucas stated that she has discussed a possible enclosure with May.

May stated that customers have come over from Ludwig's to get barbecue. May stated that bird problems are a fact of the area. May stated that there are two other restaurants nearby. May stated that he and his staff speak to patrons who park incorrectly. May stated that he's trying to be the best neighbor he can.

Pohlman stated that the conditions of approval state that the operations should limit impacts on the public, including smoke. Pohlman asked if May has looked into ways to reduce smoke, and May said that he has been looking. Scarcelli stated that scrubbers are on the market, but there would still be a noticeable smell.

Hughey asked about parking concerns. May stated that he advertises his businesses as a walk-up, and directs people with cars to park in the ANB parking lot. May asked that if he was required to get a scrubber for his

barbecue, that neighboring barbecues be required to have them too out of fairness.

Parmelee asked that May advertise his business as walk-up only, and May agreed to do so.

Windsor stated that he doesn't see parking to be an issue because it's zoned Central Business District, which doesn't require parking. Pohlman stated that something should be done to mitigate smoke. Pohlman stated that neighboring businesses are not under a conditional use permit like May's is. Windsor stated that he doesn't want to shut this business down without allowing for work on the issue. Hughey stated that a 6-month period could be used to work on a solution. Scarcelli stated that the commission could direct staff to work with the applicant on finding solutions.

Hughey/Pohlman moved to POSTPONE the item and direct staff to work with the owners on possible solutions for smoke.

Motion PASSED 4-0.

H

Public hearing and consideration of a preliminary plat of a major subdivision of 800 Alice Loop to result in 11 lots. The property is also known as Lot 16 Ethel Staton Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika Holdings Alice Island, LLC.

Scarcelli stated that some changes have been made to the plat, and made copies available. 8 parking spaces for the townhomes were added to lot 10. Lots are in excess of minimum size requirements. Conditions of approval from the concept hearing have been met. The CCR's on the surrounding residential lots act as a defacto zoning classification, placing strict requirements on those properties. Neighbors have expressed concerns that some uses could impact their property values. Overall, staff recommend approval.

Kenneth Cameron represented Shee Atika and stated that he appreciates working with staff to move this forward. Hughey expressed concern for the various possible uses of the Waterfront District. Cameron stated that the subdivision is laid out as a residential neighborhood. Hughey asked if it would do harm to Shee Atika to change the zoning to R-2, and Cameron stated that he'd have to think about it and work with staff. Pohlman stated at the previous zoning discussion, R-2 would have been a reasonable option but it wasn't the request in the application. Cameron stated that Shee Atika has 4 lots in the area still on the market, and those would be better for business than these proposed lots. Cameron stated that he does not want to fix a problem that doesn't exist. Parmelee stated that the seller could place a residential restriction on the lots. Scarcelli explained several options: CCR's, plat note, and zone change. Scarcelli stated that R-2 allows a wide variety of residential uses. Scarcelli gave an overview of the residential use table in Sitka General Code.

Pohlman stated that neighbors feared a change in the neighborhood. Cameron stated that he was at the public meeting and said that many comments were made on the record that were false. Cameron stated that he understands that people are concerned, but he's not convinced that there's a problem. Pohlman stated that she believes people do not want to see the neighborhood to have heavy commercial and industrial like Katlian Avenue.

Buxton stated that she has written a letter to Shee Atika, and she wants Alice Loop to remain a neighborhood. Buxton stated that it is good to prevent problems.

Windsor stated that he's not in favor of a zone change, and the current zoning map is a mess. Parmelee stated that it has been zoned Waterfront District for a long time, and no one has expressed concerns until recently. Parmelee stated that he doesn't believe the area would be conducive to commercial activity. Parmelee stated that a zone change would result in 2 zones on Alice Loop. Windsor asked Scarcelli to clarify the plat note option, and Scarcelli provided an explanation. Scarcelli stated that the plat is often seen early. Hughey stated that he would like to see the applicant work with staff to look for solutions to ensure that stays residential. Pohlman asked about plat note flexibility. Scarcelli stated that the plat note runs with the land, and depends on the language. Scarcelli stated that staff can work with the applicant on a good faith effort.

Pohlman/Parmelee moved to APPROVE the preliminary plat of the major subdivision of Alice Loop Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Ptarmica McConnell. The owner of record is Shee Atika Holdings Alice Island, LLC.

**Conditions of Approval:**

1. All major subdivision regulations be followed and any deviations from code be corrected prior to review of the final plat (e.g. flagging, easements, easement area details, any note language requiring minor amendment, and monumentation).
2. Staff will work with the applicant on a good faith effort to protect the neighborhood character.

**Motion PASSED 4-0.**

I

Public hearing and consideration of a variance request for 220 Lakeview Drive. The variance is for the reduction in the side setback from 8 feet to 3 feet for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

Hughey moved to the audience to act as the applicant.

Scarcelli described the request for a side setback reduction for the construction of a shed. The property is comprised of two legal lots. The property is part of the Swan Lake Area Meriting Special Attention, which can restrict development near the shoreline. The intent is to move toward conformity, as the proposed shed would replace some encroaching structures. Staff recommend approval.

Randy Hughey stated that he is moving a non-compliant woodshed to the other side of the property. The overall plan is to build a small house on the lot in the future.

Pohlman stated that the commission has not heard any concerns.

Pohlman/Parmelee moved to APPROVE the required findings for minor

expansions, small structures, fences, and signs as discussed in the staff report.

**Required Findings for Variances.**

**2. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.**

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, that the proposed shed is small in relation to the lot;
- b. The granting of the variance is not injurious to nearby properties or improvements, specifically, that the proposed shed would replace nonconforming structures in the setbacks, moves the property toward conformity, and would be separated by the adjacent property by a fence;
- c. The granting of the variance furthers an appropriate use of the property, specifically, that Table 22.16.016-1 lists accessory buildings, such as sheds, as permitted accessory uses in all zones.

**Motion PASSED 3-0.**

Pohlman/Parmelee moved to APPROVE a variance request for 220 Lakeview Drive. The variance is for the reduction of the side setback from 8 feet to 3 for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

**Motion PASSED 3-0.**

**J**

Public hearing and consideration of a variance request for 205 Crabapple Drive. The request is for the reduction of the front setback from 20 feet to 16 feet, and the reduction of the side setback from 8 feet to 6 feet for the expansion of a house. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.

Scarcelli described the request for an addition to the existing home. The carport would be replaced by a one car garage and additional living space. The side setback could have been granted administratively, but staff wanted to give the commission a holistic picture. The 4 foot setback reduction is in line with other variances granted. Staff recommend approval.

Aaron Routon came forward for any questions. No questions were asked.

Hughey stated that he is friends with the Routons and he has been involved with the project, although he has no personal financial gain. The commission allowed him to participate.

Pohlman/Hughey moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

**1. Required Findings for Variances Involving Major Structures or Expansions.**

Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, that the house is already in place, and any addition must be situated around the existing structure;

- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to economically expand an existing home;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the proposed setback reduction is minimal; and
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations," by allowing for the economically feasible development of an expansion of a residential structure while minimizing impacts on the right-of-way and adjacent properties.

Motion PASSED 4-0.

Pohlman/Parmelee moved to APPROVE the variance request for 205 Crabapple Drive. The variance is for the reduction of the front setback from 20 feet to 16 feet and the side setback from 8 feet to 6 feet for the expansion of an existing house. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.

Motion PASSED 4-0.

K

Public hearing and consideration of a variance request for 312 Eliason Loop. The request is for the reduction in the front setback from 20 feet to 12 feet for the construction of an accessory dwelling unit. The property is also known as Lot 2 Block 6 Hillside Subdivision. The request is filed by Mike and Taylor Vieira. The owners of record are Mike and Taylor Vieira.

Pierson described the request. The lot has steep topography and two front setbacks. There is a single family structure on the uphill front property line, and the proposed accessory dwelling unit would be situated on the lower front property line. The variance would allow the applicant to build an ADU while minimizing excavation into the hillside. Sufficient parking is available. Staff recommend approval. Scarcelli stated that accessory dwelling units are intended to be incidental to the primary residence; however, by accessing off a separate front, this would almost be acting like a separate principal use.

Mike Vieira stated that the grading permit was granted, but need to see the results of tonight to see how far they need to excavate. Windsor asked if any engineering had been done on the lot. Vieira stated that the insulated concrete forms used are engineered. Hughey clarified that the variance is to reduce digging into the hillside, and Vieira said yes.

Bill Hughes stated that he is one lot down from this property. Hughes stated that he assumes there could be 5 accessory dwelling units in a row, which would change the character of the neighborhood. Windsor stated that accessory dwelling units were intended to address affordable housing. Scarcelli stated that a duplex is permitted by right in the R-1 zone, resulting in 2 residential uses on the lot. In regard to neighboring lots, Pohlman states that she only believes ADUs to be feasible on 310 and 314 Eliason Loop.

Windsor asked if the lot could be subdivided. Scarcelli stated not under current development standards, but possibly if development standards change. Pohlman stated that she wished she knew the possible impacts to property values if the lot were to be subdivided. Hughey stated that he believes this is just what we're looking for. Hughey stated that the least expensive way to get more affordable housing is to add density to more developed areas.

Parmelee/Pohlman moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

**Required Findings for Variances Involving Major Structures or Expansions.**

Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the steep topography limits development within setbacks;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, because the allowable use of an accessory dwelling unit is constrained by steep topography;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the proposed structure would be in line with character of the neighborhood; and
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the proposed variance for the reduction of the front setback from 20 feet to 12 feet conforms to the Comprehensive Plan Section 2.4.19(A) by considering all the relevant factors for applying a variance.

**Motion PASSED 4-0.**

Parmelee/Pohlman moved to APPROVE the variance request for 312 Eliason Loop, subject to conditions of approval. The request is for the reduction in the front setback from 20 feet to 12 feet for the construction of an accessory dwelling unit. The property is also known as Lot 2 Block 6 Hillside Subdivision. The request is filed by Mike and Taylor Vieira. The owners of record are Mike and Taylor Vieira.

- i. Applicant specifically acknowledges and shall follow all applicable development standards and zoning regulations such as required parking and height limits for structures (25 feet or the height of the principal structure, whichever is less);
- ii. ADU shall be no greater than 800 square feet, comply with setbacks as proposed on site and approved by variance, and shall meet all applicable building codes regarding dwelling units.

**Motion PASSED 4-0.**

**L**

Public hearing and consideration of a conditional use permit request for 312 Eliason Loop. The request is for the construction of an accessory dwelling unit requiring a variance. The property is also known as Lot 2 Block 6 Hillside Subdivision. The request is filed by Mike and Taylor Vieira. The owners of record are Mike and Taylor Vieira.

Pierson described the request. The lot has steep topography and two front

setbacks. There is a single family structure on the uphill front property line, and the proposed accessory dwelling unit would be situated on the lower front property line. A conditional use permit is required for an ADU project that includes a variance. Sufficient parking is available. Staff recommend approval.

Mike Vieira stated that he had nothing additional to contribute.

No public comment.

Hughey/Pohlman moved to APPROVE the required findings for conditional use permits for accessory dwelling units as discussed in the staff report.

**Required Findings for Conditional Use Permits.** The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. **Burden of Proof.** The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the



assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;

3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;

4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;

5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**Conclusion on Findings:** That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met as the proposal complies with SGC and Comprehensive Plan sections regarding ADUs and variances, and affordable housing while protecting the character of the neighborhood and the public's health, safety, and welfare.

**Motion PASSED 4-0.**

Hughey/Parmelee moved to **APPROVE** the conditional use permit request for 312 Eliason Loop subject to conditions of approval. The request is for the construction of an accessory dwelling unit requiring a variance. The property is also known as Lot 2 Block 6 Hillside Subdivision. The request is filed by Mike and Taylor Vieira. The owners of record are Mike and Taylor Vieira.

**a. Conditions of Approval:**

i. Applicant specifically acknowledges and shall follow all applicable development standards and zoning regulations such as required parking and height limits for structures (25 feet or the height of the principal structure, whichever is less);

ii. ADU shall be no greater than 800 square feet, comply with setbacks as proposed on site and approved by variance, and shall meet all applicable building codes regarding dwelling units.

**Motion PASSED 4-0.**

**M**

Discussion and direction of the land use, housing, and economic sections of the Comprehensive Plan.

Windsor stated that he will bring his top priorities in tomorrow. Hughey stated that he has not followed the specific homework request. Parmelee stated that he completely forgot.

Hughey shared a story of a teacher candidate and his family who turned down a job because they couldn't be assured of housing. The ripple effect is that the school system lost out on approximately \$20,000 in federal and state funding for the family's 2 children. Hughey stated that housing has a broad impact on the economy. Hughey stated that the city's property generates no property tax. Parmelee stated that lack of housing isn't the only problem, but also cost of

housing. Parmelee stated that salaries are not increasing to keep pace with housing costs. Windsor stated that someone has to take the hit in order to create affordable housing.

Pohlman land use-E, H; housing-Q, P, T, lot sizes; economics-marine center, electric cars, agriculture, centers of excellence, small businesses

Scarcelli's housing fell through and ended up sleeping in a laundry room for a month. You have to snatch up rental opportunities as soon as they become available. Market saturation could impact property values. Economics - healthcare, marine/seafood, tourism.

Knox stated that the Assembly hears a lot of the concerns on these topics, and hopes that movement can be made to address these items.

Kathy Kyle stated that she sees the importance of making land available.

#### **VI. PLANNING DIRECTOR'S REPORT**

Scarcelli stated that there will be a training on February 7 at 6 PM conducted by the clerk and attorney. There will be a FEMA floodplain meeting on January 25th at 5 PM. Meetings in a box have been well received. Scarcelli stated that the department is working with Chandler O'Connell to get an accessory dwelling unit advertisement sent out with utility bills.

#### **VII. PUBLIC BUSINESS FROM THE FLOOR**

#### **VIII. ADJOURNMENT**

Pohlman/Hughey moved to ADJOURN at 9:02 PM.

Motion PASSED 4-0.

ATTEST: \_\_\_\_\_  
Samantha Pierson, Planner I