



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Tuesday, May 16, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Vice Chair Windsor called the meeting to order at approximately 7:02 p.m.

Present: Windsor, Pohlman, Hughey, Assembly Liaison Knox

Absent: Spivey (excused), Parmelee (excused)

II. CONSIDERATION OF THE AGENDA

Planning Director Michael Scarcelli noted that item O was pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A [PM-25](#) Approval of April 18, 2017 meeting minutes.

Pohlman/Hughey moved to **APPROVE** the April 18, 2017 meeting minutes.

Motion PASSED 3-0.

IV. PERSONS TO BE HEARD

None.

V. PLANNING DIRECTOR'S REPORT

B [MISC 17-15](#) Director's Report - May 16, 2017

Scarcelli reported on the ADU flyer and noted that it was put in utility billings, he told of the Community Land Trust on May 23rd, the critical areas ordinance in June and the executed lease for 725 Signaka Way.

VI. REPORTS

C [16-00](#) Planning Regulations and Procedures.

D [CUP 16-08](#) Annual report for a short-term rental conditional use permit granted to Chuck McNamee for 101 Austin Street. No action required.

Scarcelli reviewed the report. No action was taken.

- E** [CUP 16-04](#) Annual report for a conditional use permit granted to Frances Brann and Krystina Scheller for a short-term rental at 2116 Sawmill Creek Road. No action required.
- Scarcelli reviewed the report. Knox asked of standards for conditional use permits specifically questioning the range of dates on this report. Scarcelli stated that they could request that information and thought that Planning could match the numbers with Finance through sales tax records.
- F** [CUP 16-11](#) Annual report for conditional use permits granted to Northern Lights Indoor Gardens for marijuana retail and cultivation at 1321 Sawmill Creek Road Suites O and P. No action required.
- Scarcelli reviewed the report. This may come back for mitigation. No action was taken.
- G** [CUP 16-17](#) Annual report for a conditional use permit granted to Paul and Lamoyne Smith for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair at 4622 Halibut Point Road. No action required.
- Scarcelli reviewed the report. No action was taken.

VII. THE EVENING BUSINESS

- H** [CUP 17-09](#) Public hearing and consideration of a conditional use permit for a marijuana consumption lounge at 1321 Sawmill Creek Road Suite K. The property is also known as US Survey 2729. The request is filed for Michelle Cleaver for Weed Dudes. The owner of record is Eagle Bay Inn, LLC.
- Scarcelli confirmed that this was postponed due to the State process. Michelle Cleaver of Weed Dudes told that the State did not take up this matter at their last meeting. Staff have received community complaints including a signed petition, that identifies odor, safety, and other impacts to the adjacent residential community. Staff will work with the business to address odor issues.
- Hughey/Pohlman moved to postpone consideration of the conditional use permit for a marijuana consumption lounge request at 1321 Sawmill Creek Road Suite K until the state develops regulations.**
- Motion PASSED 3-0.**
- I** [CUP 16-21](#) Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.
- Scarcelli gave an overview of the request and application. He told of insurance and that there are specific requirements that must be met by the US Coast Guard. He noted Harbormaster concerns, several letters of opposition, gave history of short-term boat rentals and went over the conditions of approval. Discussion of US Coast Guard regulations occurred. Hughey thought the application was thorough.
- Hughey/Pohlman moved to postpone consideration until the owners can be**

present at the meeting to answer questions.

Motion PASSED 3-0.

J [CUP 17-15](#)

Public hearing and consideration of a conditional use permit application for a short-term rental at 405 Monastery Street. The property is also known as the east half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A. The application is filed by James Gorman. The owners of record are Mark Gorman and Nancy Knapp.

Scarcelli gave an overview of the property and proposed request specifically showing the surrounding approved conditional use permits in the area. He told of conditions regarding parking and trash to mitigate bear issues.

Nancy Knapp came forward representing the applicant.

There was no public comment.

Pohlman/Hughey moved to adopt and APPROVE the following findings:

- 1. ...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 parking upon which the proposed use is to be located, specifically, the property has on-site parking and foliage buffers.**
- 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, specifically, conforms to Comprehensive Plan Section 2.6.2(k), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.**
- 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.**

Motion PASSED 3-0.

Pohlman/Hughey moved to APPROVE the conditional use permit application for short-term rental at 405 Monastery Street subject to the attached conditions of approval. The property is also known as the east half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A. The request is filed by James Gorman. The owners of record are Mark Gorman and Nancy Knapp.

Conditions of Approval:

- 1. Contingent upon a completed satisfactory life safety inspection.**
- 2. The facility shall be operated consistent with the application and plans that were submitted with the request.**
- 3. The facility shall be operated in accordance with the narrative that was submitted with the application.**
- 4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.**
- 5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating**

adverse impacts on nearby properties.

6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

8. To mitigate against the risk and impact of bears from the short-term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.

9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.

10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.

11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 3-0.

K [LM 16-11](#)

Public hearing and consideration of a vacation request for 650 square feet of municipal right-of-way adjacent 403 Alice Loop. The property is also known as Lot 1 Sealing Cove Subdivision. The request is filed by Mica Trani. The owner of record is Mica Trani.

Scarcelli described the request, told of history with Public Works and showed the properties stating this parcel was unuseable for the City. Staff recommend approval with one condition that would require Public Works to approve the easement location and language.

Hughey clarified what type of infrastructure went with the property specifically the fire hydrant, water and sewer. Scarcelli told that Public Works would work with the applicant regarding the easement for infrastructure.

Owner Mica Trani came forward answering that the business would gain better access with this parcel and told that the fire hydrant was outside of the property by approximately 5 feet.

There was no public comment.

Hughey/Pohlman moved to RECOMMEND approval of the vacation request for 650 square feet of municipal right-of-way adjacent 403 Alice Loop with the condition of approval that Public Works approves the easement for access to public infrastructure. The property is also known as Lot 1 Sealing Cove Subdivision. The request is filed by Mica Trani. The owner of record is Mica Trani.

Motion PASSED 3-0.

L [VAR 17-10](#)

Public hearing and consideration of a variance request for 2515 Sawmill Creek Road. The request is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. The property is also known as Lot 14C Subdivision of Lot 14 of US Survey 3302. The request is filed

by Larry Medina. The owners of record are Larry and Nancy Medina.

Scarcelli gave a staff report of the location/variance noting an existing railroad easement of the federal government that had caused confusion. He told of development standards of setbacks. Staff recommended a denial due to the setbacks and that there was nothing unusual of the lot therefore, it did not meet the required findings. Scarcelli would follow up with the Municipal Attorney regarding the railroad easement situation.

Larry Medina came forward and told of the measurements which would give him better use of his property and stated he would loose access if this was denied. He stated neighbors had no concerns, that the building would blend in with the surround area, it would be used to store a historic vehicle and would improve the value of the property and surrounding areas.

There was no public comment.

Pohlman thought this was more aesthetics and that this property was flat and not unusual. Scarcelli read from the zoning code regarding low density with regards to this property, the setbacks, and lot coverage.

Pohlman/Hughey moved to adopt and 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, here, that the lot is relatively flat and has space available on the rear for additional development;**
- 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, here, the development of covered parking could be developed with a different configuration not requiring a variance of this degree;**
- 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 open carport would minimize view impacts to pedestrian and motorists; 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 state, "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 an exception from codified development standards when not necessary.**

Motion PASSED 3-0.

Pohlman/Hughey moved to DENY the variance request for 2515 Sawmill Creek Road. The variance is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. The property is also known as Lot 14C of the Subdivision of Lot 14 US Survey 3302. The request is filed by Larry and Nancy Medina. The owners of record are Larry and Nancy Medina.

Motion to deny PASSED 3-0.

M [VAR 17-11](#)

Public hearing and consideration of a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9791 square

feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

Scarcelli described the request of four units, including that it was 29 square feet short for allowing a fourplex, however, it met the setbacks and parking regulations. Scarcelli read the letter of opposition and stated that this parcel is zoned multi-family.

Property owner, Tim Bernard came forward stating that zoning was high density for this parcel and told of history of a previous request for a fourplex that never came to fruition.

Claudia Leccese came forward requesting that the Commission take into consideration of the letter in opposition.

Pohlman was in support of the triplex and would like more information on the history of the fourplex that was approved previously in this subdivision. Windsor reminded the commission of the 29 square feet. Hughey thought that it may not be a detriment to the neighborhood. Staff was directed to get information of the previous fourplex variance request.

Pohlman/Hughey moved to postpone consideration until the next regular meeting.

Motion PASSED 3-0.

N [ZA 17-01](#)

Public hearing and consideration of a zoning map amendment to rezone municipal harbors located at 211 and 617 Katlian Avenue to Public. The properties are also known as Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision. The request is filed by the City and Borough of Sitka. The owner of record is the City and Borough of Sitka.

Scarcelli gave the background on this item. Planning staff realized that Eliason, Thomsen and ANB harbors are not technically zoned. There was an assumption that they were zoned Public (P), however they are not and therefore take on the zoning of the upland property. Waterfront District zoning is problematic for harbors because it allows short-term rentals as a matter of right subject to USCG jurisdiction, impacting short-term rentals on boats.

Hughey/Pohlman moved to find 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 in regards to public process; and**
- c. The zoning map amendment comports with the Comprehensive Plan by better allowing the maintenance and planning for quality facilities and services to Harbor uses.**

Motion PASSED 3-0.

Hughey/Pohlman moved to recommend approval of the zoning map amendment to rezone municipal harbors (Eliason, Thomsen, and ANB Harbors) located at 211 and 617 Katlian Avenue to Public Lands district. The properties are also known as Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision. The request is filed by the City and Borough of Sitka. The owner of record is the City and

Borough of Sitka.**Motion PASSED 3-0.**

- O** **MISC 16-10** Discussion/direction/decision regarding monumentation and flagging requirements in Title 21.

This item was pulled from the agenda prior to the meeting.

- P** [MISC 17-16](#) Discussion/direction/decision regarding amendments to public notice requirements.

Scarcelli told of the history for notices and what the new language would add. It would reduce the amount of times the agenda would be noticed in the newspaper but would also require placing a posting on-site and would include language for an emergency meeting. This change could save the city \$5000-\$10,000 per year and would be more consistent with Assembly notice.

Knox wondered if there could be notice to adjacent slips for the harbor short-term rentals. Scarcelli told of the benefits of on-site posting and that staff was going out to do a site visit regardless. Pohlman wondered if it would end up being more costly by staff time rather than the public notices.

Kevin Barry agreed that additional posting could be helpful.

The Commission would brainstorm between now and the next regular meeting to discuss further in order to make a firm recommendation to the Assembly for code changes.

VIII. ADJOURNMENT

Seeing no objections, the meeting adjourned at 8:53 p.m.

ATTEST: _____
Melissa Henshaw, Deputy Clerk