



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Richard Parmelee
Taylor Colvin

Tuesday, July 17, 2018

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Chair Chris Spivey called the meeting to order at 7:04 p.m.

Present: Spivey, Windsor (telephonic), Colvin, Knox - Assembly liaison

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

- A [PM-48](#) Approval of the May 23 and May 24, 2018 meeting minutes

Moved/Seconded Hughey/Colvin moved to approve the minutes of May 23 and May 24, 2018. MOTION CARRIED 4-0.

IV. PERSONS TO BE HEARD

Property owner Dave Hardy spoke of a potential for him to purchase a strip of land adjacent to his property on Shuler Drive.

V. PLANNING DIRECTOR'S REPORT

- B [MISC 18-19](#) Director's Report - July 17

Planning Director Michael Scarelli introduced temporary Planning Assistant KathyHope Erickson; he noted that Commissioner Darrell Windsor was attending telephonically; and mentioned the need to hold an additional meeting, suggesting August 2 as the date.

VI. REPORTS

VII. THE EVENING BUSINESS

- C [CUP 18-10](#) Public hearing and consideration of a conditional use permit for natural resource extraction and mining support facilities at 4660 and 4670 Halibut Point Road in the Industrial District. The properties are also known as Lot 1A

USS 3670 Subdivision and Lots 61A and 62A S&S Subdivision. The request is filed by Roger Sudnikovich. The owners of record are Roger, John, and Judith Sudnikovich.

Planning Director Scarcelli gave a slide presentation and reviewed the permit application, the site, the neighborhood, permissible lots, and the proposed uses and storage on the site. He noted proposed improvements to the storm water management; the narrative and revised scope of work, including blasting, rock crushing, grading, processing, and hours of operation. He noted the roping off and fencing that has been proposed; the proposed reclamation plan, and state permits the applicant possessed or was applying for. He explained the change in ordinance called for change in language of the agenda item from "quarry," to the listed "natural resource extraction and mining support."

Member of the public Valorie Nelson maintained that although it was difficult, she attended in order to testify on the extraction project. Ms. Nelson responded to the Planning Director's staff report in the meeting packet, in that the continued operation would adversely affect the surrounding area, referred to decades of correspondence regarding the quarry, and urged the Commission not to approve the expansion and application. She submitted dated photos and an itemized timeline documentation beginning in 1994, in support of her objection.

M/S Windsor/Colvin to postpone the item until the July 26 Planning Commission meeting. MOTION CARRIED by a 4-0 roll call vote.

D [P 18-10](#)

Public hearing and consideration of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

Planning Director Scarcelli explained that this was the second step in the subdivision process; and that this particular item had been approved previously, but not recorded. He reviewed the existing plat, noting that the existing right-of-way (ROW) had never been used as such; and presented the proposed plat. He explained this was similar to another previous applicant, and that both had encroached on the ROW, and this process would sanction the current applicant's use.

Applicant Jane Seesz told the Commission that the Seesz application was intended to correct something they had been unaware of. Scarcelli reviewed the listed conditions and possible timeline for completion.

No public comment.

M/S Hughey/Windsor to approve the final plat of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R 1 MH single family, duplex, and manufactured home residential zoning district for the purpose of completing a prior approved vacation of East Shuler Drive. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

a. Conditions of Approval:

- 1. Surveyor shall provide square foot totals for right of way and unified lot.**
- 2. Plat shall comply with all applicable state and local subdivision codes.**
- 3. All known encroachments (old shed, and deck) shall be removed or receive**

permission from the applicable owner prior to recording of final plat, but in all cases all encroachments shall be removed within 5 years.

4. Plat shall be recorded within 1 year of final approval of plat or approval shall be void.

M/S Hughey/Windsor to find that:

- a. the proposed minor subdivision final plat, as conditioned, complies with the former Comprehensive Plan Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by going through the prescribed minor subdivision process; and the Comp Plan 2030 has been consulted in regards to future growth of Harbor Mountain Road and PTR Section 5.3;
- b. the proposed minor subdivision final plat, as conditioned, complies with the subdivision code; and
- c. the minor subdivision final plat, as conditioned, would not be 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. MOTION CARRIED 4-0

E [VAR 18-08](#)

Public hearing and consideration of a variance request for 409 Halibut Point Road in the R-2 multifamily residential district. The request is for the reduction in the required on-site parking for an existing duplex from four spaces to zero spaces. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

Planning Director Scarcelli noted this item and the next were closely related. He reviewed the concern, and stated that the Comprehensive Plan and the vegetation buffering the neighbors from the light commercial use both support the application. He also stated parking and traffic concerns have been mitigated.

Applicant representative property manager Wendy Lawrence addressed the easement, or license to use, proposed by Mr. Riley to the ALPS Credit Union board. The proposal, which has a three year duration, is for limited permission to use ALPS property to allow for ingress and egress for parking to the property. Mr. Riley has also agreed to post signs, and will provide written disclosure of the parking to renters. Mr. Scarcelli noted that the Variance would be in effect as long as the parking agreement was.

M/S Colvin/Hughey to approve the Variance request for a parking variance at 409 Halibut Point Road in the R-2 multifamily residential district, subject to the attached conditions of approval. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

a. Conditions of approval:

- i. That either an easement, permit, or license to use for parking and/or parking egress and ingress be granted by the adjacent property commonly known as 409 Halibut Point Road (Parcel ID 13475000). This license, easement, or permit, shall continue as long as the variance is needed or the property is used as a conditional use (short-term rental or other conditional use). Should the ability to use the adjacent property for such parking or parking egress/ingress be extinguished, the variance shall be come void and any conditional use shall become void.
- ii. Special care shall be taken in ingress and egress across the Halibut Point Road right of way so as to minimize any impacts to vehicles and pedestrians.

MOTION CARRIED 4-0.

M/S Taylor Colvin/Randy Hughey to adopt and approve the required findings pursuant to Sitka General Code 22.30.160.D.

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. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner; in this case that the unique location, existing structures, lot design of the subdivision, and topography and rock wall make practical development of required parking on-site very difficult and impractical; and that further, this development predates the current development standards.**
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages <<http://www.codepublishing.com/AK/Sitka/cgi/defs.pl?def=22.08.390>> or the expansion of structures that are commonly constructed on other parcels in the vicinity; in this case that parking options are constrained.**
- 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; in this case that the conditions of approval to guarantee parking and/or parking egress/ingress will mitigate any potential impact to adjacent properties, vehicles, and pedestrians as well as provide the necessary parking.**
- d. That the granting of such a variance will not adversely affect the comprehensive plan <<http://www.codepublishing.com/AK/Sitka/cgi/defs.pl?def=22.08.200>>; in this case that the conditions of approval will mitigate impact, while the variance will allow the owner to develop their property which will have positive economic impacts in job creation and supporting tourism and transient markets. Some impact to long-term rentals and affordable housing may occur, but that is balanced against other positive gains.**

MOTION CARRIED 4-0.

F [CUP 18-14](#)

Public hearing and consideration of a conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

Planning Director Scarcelli pointed out that one side of the duplex would be owner-occupied, which would provide oversight to the proposed short-term rental. He reviewed the standard conditions for a rental, as well as the additional recommended conditions of approval for this application.

Applicant representative property manager Wendy Lawrence answered questions of the Commission on immediate mitigation plans for parking and traffic flow; and immediate plans for addressing parking. Ms. Lawrence stated the unit would be marketed as a non-vehicle rental, and provide illustrated directions for parking. There was discussion on proposed condition three, disallowing rental cars or having the owner provide transportation and/or bicycles for renters. Ms. Lawrence asked for allowance of use of a rental car; and assured that there would also be bicycles provided.

No public comment.

M/S Hughey/Colvin to approve the conditional use permit request for a short term rental at 409 Halibut Point Road in the R 2 multifamily residential district subject to the attached conditions of approval. The property is also known as

Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request, and as amended by the conditions of approval.
3. There shall be no more than one car allowed in the Short Term Rental and the owner shall provide bicycles.
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, bed tax remitted, any violations, concerns, and solutions implemented. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears, 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. 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.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
14. The applicant shall comply with all local, state, and federal laws regarding nondiscrimination.
15. That either an easement, permit, or license to use for parking and/or parking egress and ingress be granted by the adjacent property commonly known as 409 Halibut Point Road (Parcel ID 13475000). This license, easement, or permit, shall continue as long as the variance is needed or the property is used as a conditional use (short-term rental or other conditional use). Should the ability to use the adjacent property for such parking or parking egress/ingress be extinguished, the variance shall be come void and any conditional use shall become void.
16. Special care shall be taken in ingress and egress across the Halibut Point Road right of way so as to minimize any impacts to vehicles and pedestrians.

17. The burden of following, keeping track of, and executing these conditions of approval is upon the owner (e.g. annual report, business registration, sales tax account, remittance of bed tax, life and safety inspection, etc.. MOTION CARRIED 4-0.

M/S Hughey/Colvin to adopt the findings in the Staff Report:

1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare specifically, that the conditions of approval mitigate impacts to adjacent properties and vehicle and pedestrians by providing for alternative and improved parking and parking ingress and egress
 - b. Adversely affect the established character of the surrounding vicinity specifically, that the area is a mix of light commercial and professional office and adjacent to a major corridor that a mixed use of residential and light commercial (STR) is an appropriate and compatible use as identified in the Comp Plan 2030; 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, specifically, that the proposed use will support central downtown development and mitigate impacts via the conditions of approval related to parking and ingress/egress.
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, that the conditions of approval will mitigate impact, while the variance will allow the owner to develop their property which will have positive economic impacts in job creation and supporting tourism and transient markets. Some impact to long-term rentals and affordable housing may occur, but that is balanced against other positive gains.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the owner lives on-site and can monitor for infractions and take action as warranted and also have a property manager. MOTION CARRIED 4-0

VIII. ADJOURNMENT

The meeting was adjourned by Chair Spivy at 7:57 p.m.