

CITY AND BOROUGH OF SITKA



Minutes

Thursday, August 2, 2018

7:00 PM

Harrigan Centennial Hall

Planning Commission

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

I. CALL TO ORDER AND ROLL CALL**II. CONSIDERATION OF THE AGENDA****III. CONSIDERATION OF THE MINUTES****A** Approve the minutes of the July 17, 2017 meeting

Moved/Seconded Darrell Windsor/Randy Hughey to approve the minutes of July 17, 2018. Motion Carried 3-0.

IV. PERSONS TO BE HEARD**V. PLANNING DIRECTOR'S REPORT****B** Planning Director's August 2, 2018 report**VI. REPORTS****VII. THE EVENING BUSINESS****C** Public hearing and consideration of minor subdivision to subdivide a single lot at 415 DeArmond Street (R-1 zone) into two lots. The property is also known as Lot 12 and a portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder.

M/S Darrel Windsor/Randy Hughey to approve the final plat for a minor subdivision that would subdivide a single lot into two lots at 415 DeArmond (AKA 424 Andrews St.) in the R 1 single family and duplex residential district subject to conditions of approval. The property is known as Lot 12 and Portion of Lot 11 Block 26 Spruce Glen Subdivision. The request is filed by Sheila Finkenbinder. The owner of record is Sheila Finkenbinder; with the following conditions of approval:

- 1. That all other subdivision code, specifically sections 21.12 and 21.40 be followed. Note: This includes 1) following existing monumentation code, which requires at least one new or recovered primary monument, and 2) naming the subdivision a unique name (not Cedar Subdivision as that is already in use).**
- 2. That all accessory structures (sheds, greenhouses, etc.) be moved five feet from all property lines within five years.**

Motion Carried 3-0.

M/S Darrel Windsor/Randy Hughey to find that that proposed minor subdivision would not be injurious to the public's health, safety and welfare and that it comports with the goals, objectives, and actions of the Comprehensive Plan. Motion Carried 3-0.

D Public hearing and consideration for a request for a conditional use permit for a short-term rental at 1905 Dodge Circle in an R-1 zoning district. The request is

filed by the owner Paul Carrington. The property is described as lot 2, Stedman Estates, US Survey 3806 (Plat No. 87-24, Tax ID: 24796000).

M/S Randy Hughey/Darrel Windsor to approve the conditional use permit for a short-term rental at 1905 Dodge Circle in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the owner Paul Carrington. The property is described as lot 2, Stedman Estates, US Survey 3806 (Plat No. 87-24, Tax ID: 24796000).

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.
3. The applicant shall submit an annual report beginning in 2019, 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 began operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 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 4:00 a.m. on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate 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, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood.
11. 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.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion Carried 3-0.

M/S Randy Hughey/Darrel Windsor to find that:

1. The granting of the proposed conditional use permit will not:
 - a) be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management and noise monitoring;
 - b) adversely affect the established character of the surrounding vicinity specifically, the rental would make use of an already developed unit of a

- duplex with on-site owner-managers to monitor for concerns; 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, on-site parking is provided.
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 proposal provides owners with incentives to develop higher density and additional dwelling units. Motion Carried 3-0.

E

Public hearing and consideration to amend a conditional use permit request for short-term rentals at 106 Finn Alley. The property is known as a tract of land in Lot 20, Block 13, US Survey 1474. The request is filed by the owners, Brendan Jones and Rachel DiNardo

M/S Randy Hughey/Darrell Windsor to approve the amendment of the conditional use permit application for a two-unit short term rental in a three-unit residential structure at 106 Finn Alley subject to the attached conditions of approval. The property is also known as a Tract of Land in Lot 20 Block 13 US Survey 1474. The request is filed by Brendan and Rachel Jones. The owners of record are Brendan Jones and Rachel DiNardo.

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.
3. 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.
4. The Planning Commission or Planning Director, 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 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 4 a.m. on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate 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. 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.
10. Any signs must comply with Sitka General Code 22.20.090.
11. A detailed rental overview shall be provided to renters detailing appropriate access, parking, trash management, noise control, and a general

admonition to respect the surrounding residential neighborhood.

12. The property shall be owner-occupied, while the conditional use permit is active. However, this condition shall be suspended, per amendment of the permit, from August 2018 to April 2020. Beginning in May 2020, owner-occupation of at least one unit shall again be required for the permit to remain active.

13. STR shall not use more than one rental car at any single time at the rental property, and owners shall provide bicycles, on-site, for the STR occupants to use. This is to mitigate impacts to the neighborhood including traffic and pedestrian safety.

14. While not owner occupied, pursuant to condition of approval #12, the short-term rental shall be professionally managed.

15. The short-term rental conditional use permit shall be reviewed September 2019.

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

Motion Carried 3-0.

M/S Randy Hughey/Darrell Windsor to adopt the findings as follows:

1. The granting of the proposed conditional use permit will not:

a. be detrimental to the public health, safety, and general welfare specifically, the conditions of approval will mitigate impacts regarding traffic, noise, odor, and provide limited vehicular access and a rental overview.

b. adversely affect the established character of the surrounding vicinity specifically, limits to vehicles and the return of owner-occupation in May 2020 will limit potential impacts; 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, the property is required to meet municipal requirements for utilities, garbage collection, and provision of appropriate parking, as well as life and safety inspections;

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, promoting economic development and job creation, while minimizing impacts to adjacent uses and housing affordability;

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, that manager oversight and the return of owner-occupation in May 2020 will help prevent impacts to the neighborhood and adjacent properties.

Motion Carried 3-0.

F

Public hearing to review the conditional use permits, specifically conditions regarding odor control and parking (CUP 16-14, 16-31, and 17-12) for a marijuana cultivation facility and marijuana retail facility at 4612 and 4614 Halibut Point Road in the C-2 general commercial and mobile home zoning district. The property is known as Lot 3 Carlson Resubdivisions. This review is filed by the Planning Director. The conditional use permit holders are Connor Nelson and Aaron Bean for Greenleaf, Inc. The owners of the land are Connor K Nelson and Valorie L. Nelson

M/S Randy Hughey/Darrell Windsor to re-open testimony. Motion Carried 3-0.

M/S Darrell Windsor/Randy Hughey to postpone this review until the Planning Commission has a site visit at 12 noon on August 30, 2018. Motion Carried 3-0.

G

Public hearing and consideration of a variance request request to build an accessory structure within the front setbacks at 114 Harbor Mountain Road in the R-1 MH zoning district. The property is known as Lot 13, Shuler Subdivisions, and a 20 foot portion of E. Shuler Drive. The request is filed by the owners Donovan and Jane Seesz

M/S Randy Hughey/Darrell Windsor to approve the variance request to reduce the front yard setbacks to 12 feet/7.5 as shown on the plat from the property line to the eaves of a proposed accessory structure (Shop/garage). 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. Motion Carried 3-0.

M/S Randy Hughey/Darrell Windsor to adopt and approve the required findings for 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 the front yards are neither surrounded by typical development nor have a need for separation from undeveloped right-of-way and that the proposed code changes also support this request;**
- 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 economical development of an accessory structure on an existing lot with existing development constraints;**
- 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 setbacks are used to mitigate noise, privacy, light, safety, and odor impacts, which are not present in this case in the direction of the setback at hand;**
- d) that the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with the Comprehensive Plan chapter on housing to reduce development standards in line with this request. Motion Carried 3-0.**

H

Public hearing and consideration of what are the existing legal nonconforming uses and potential conditional uses for existing and prospective uses that are occurring or may occur at 505 Sawmill Creek Road. The property is known as Lots 10, 11, 12, and 13, Block 20, US Survey 1474. The request is filed by the Planning Director, Sam Pointer, and Keith Nyitray. The owner of record is the First Presbyterian Church

M/S Randy Hughey/Darrell Windsor to Open up for further discussion at next scheduled meeting. Motion Carried 3-0

I

Public hearing and consideration of a conditional use permit request for short-term rental at 709 Lincoln Street. The property is known as Lot 21, Block 13, Tract A, US Survey 1774. The request is filed by the owners, Lincoln Street House, LLC

M/S Randy Hughey/Darrell Windsor to approve the conditional use permit for a short-term rental at 709 Lincoln Street in an R-1 zoning district subject to the attached conditions of approval. The request is filed by the applicant (Katharyn) Anne Chadwick for the owner Lincoln Street House, LLC. The property is described as lot 21, Block 13, US Survey 1474 (Tax ID: 11575000).

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.
3. 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.
4. 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 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate 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, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition 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 short-term renters.
13. The short-term rental conditional use permit shall be reviewed September 2019.
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit. Motion Carried 3-0.

M/S Randy Hughey/Darrell Windsor to find that:

1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval address potential impacts and mitigate them through a rental overview and other conditions of approval;
 - b. Adversely affect the established character of the surrounding vicinity specifically, the home is already used as a vacation home and the conditions of approval would mitigate any impacts; 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, the use is quasi-residential/commercial (transient housing) and is not anticipated to cause material impacts to adjacent uses.
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 proposal provides owners with incentives to provide tourism based business that promotes economic development and job creation. Motion Carried 3-0.

J

Public hearing and consideration of a conditional use permit for a food cart at 104 Lake Street. The property is known as Lot 2, Block 2, and vacated portion of Lake Street ROW, USS 1479 (Tax ID 11155000, US S 1474). The applicant is Jessica Lien Lew. The owner of record is Ruth Ann Robinson.

M/S Randy Hughey/Darrell Windsor to postpone the item. Motion Carried 3-0.

VIII. ADJOURNMENT