



# CITY AND BOROUGH OF SITKA

## Minutes - Final

### Planning Commission

---

Wednesday, March 20, 2019

7:00 PM

Harrigan Centennial Hall

---

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

Present: Chris Spivey (Chair), Darrell Windsor, Randy Hughey, Victor Weaver  
Absent: Taylor Colvin (excused), Aaron Bean (Assembly liaison, excused)  
Staff: Scott Brylinsky (Interim Planning Director), Amy Ainslie (Planner I)  
Public: Issam Samman, Connor Nelson, Mike Scarcelli, Valorie Nelson, Adam Chinalski, Bob Sam, Anne Pollnow, James Poulson

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

- A [PM 19-04](#) Approve the March 6, 2019 minutes.

Attachments: [04-March 6 2019 DRAFT](#)

**M-Windsor/S-Hughey moved to approve the March 6, 2019 minutes. Motion passed 4-0 by voice vote.**

#### IV. PERSONS TO BE HEARD

Adam Chinalski spoke about affordable housing incentives. Chinalski noted that when he demolished and rebuilt a new home downtown, the disposal costs at the transfer station were very high, approximately \$8,000 even after burning as much as he could in a controlled burn (as advised by the Fire Department). Chinalski stated that lowering or waiving this fee for housing projects would be a big help in helping the affordability of constructing and/or renovating homes.

Anne Pollnow, archeologist and historic preservation activist, asked the Commisison to instruct the Building Department to deny a building permit submitted by the Sitka Summer Music Festival (SSMF) for Stevenson Hall until SSMF plans comply with the Secretary of Interior's Standards for Treatment of Historic Properties as was mandated on the plat notes for Stevenson Hall. The plat notes were developed and placed on the plat to ensure the protection of the building, which was a contributing building to the National Historic Landmark of the Sheldon Jackson Campus. Spivey stated that the Commission did not have the authority to direct the Building Department. Hughey asked for clarification whether or not the Commission could enforce plat notes between private parties, as his recollection from previous cases was that the Commission could not. Brylinsky stated that he had consulted with Legal on this issue and that there was not a clear answer. Brylinsky suggested that this issue be brought back as an agenda item at the next Commission meeting.

**V. PLANNING DIRECTOR'S REPORT**

Brylinsky delivered the Director's Report. Starting with the 2019 Planning priorities as determined in the Commission's visioning session, Brylinsky noted that significant progress was made on several of the items. The change in development standards was on this agenda for review, the application for an overlay zone for the historic SJ campus would be reactivated after the cemetery zoning was completed (the latter was also on this agenda), and that Requests for Qualifications for the No Name Mountain area had been received on 3/15/2019.

On short-term rentals, follow-up letters had been sent to conditional use permit holders who had not responded to the original survey request. Spivey and Hughey asked for a list of those who had not responded to the survey request, and added that those who do not respond should be called before the Commission to potentially have their permit revoked.

Brylinsky informed the Commission that there was one new applicant for the Planning Director's position and would be interviewed on 3/22/2019. Brylinsky would be working full time until the end of March, and part time for a few weeks in April.

The next agenda for the 4/3/2018 meeting would include a zoning map amendment at Baranof Warm Springs.

The State of Alaska DGGs had prepared draft landslide maps that had been reviewed by CBS, delivery of final maps was still expected in mid-summer. Brylinsky noted that these maps would likely not be applicable to Sitka's ordinance on Landslide Area Management, but the applicability of the maps was still being determined.

Weaver noted an earlier request to have a learning session on land management and history for new Commissioners and/or new staff. It was also noted that when a new Planning Director was hired, similar training would likely be helpful for that individual as well.

**VI. REPORTS****VII. THE EVENING BUSINESS**

- B**     [P 19- 02](#)     Public hearing and consideration of a preliminary plat approval of a vacated portion of Eagle Way right-of-way, adjacent to 1318 Sawmill Creek Road, and the property located at 1318 Sawmill Creek Road. The property is also known as the portion of USS 2355 and Lot 21, USS 3695. The applicant is Adam Chinalski. The owner of record is Adam Chinalski.

**Attachments:**     [LM 18-01 Chinalski 1318 SMC Staff Report](#)  
                              [LM 18-01 Chinalski 1318 SMC Aerial](#)  
                              [LM 18-01 Chinalski 1318 SMC Memo & Minutes from 7.26.18](#)  
                              [LM 18-01 Chinalski 1318 SMC Preliminary Plat](#)  
                              [LM 18-01 Chinalski 1318 SMC Utility Easement Agreement Draft](#)  
                              [LM 18-01 Chinalski 1318 SMC Utility Easement Approvals](#)  
                              [LM 18-01 Chinalski 1318 SMC Appraisal](#)  
                              [LM 18-01 Chinalski 1318 SMC Ordinance No. 2019-04](#)

Brylinsky presented the Staff Report and clarified that given the numerous reviews this platting action and sale had already received by the Commission and the Assembly, the Commission could give final plat approval. The sale was authorized by the Assembly through ordinance which required two readings. Brylinsky had reviewed this with the municipal attorney who agreed. The utility easement had been agreed on and noted on the plat, the City's assessor had agreed to the assessment done by the private assessor hired by Adam Chinalski.

The applicant, Adam Chinalski was asked to come forward. Chinalski had no additional comments to make; the Commission did not have any questions.

**M-Windsor/S-Hughey moved to approve the final plat for the Bakery Subdivision, a vacated portion of Eagle Way right-of-way, adjacent to 1318 Sawmill Creek Road, and the property located at 1318 Sawmill Creek Road. The property is also known as the portion of USS 2355 and Lot 21, USS 3695. The applicant was Adam Chinalski. The owner of record was Adam Chinalski. The motion passed 4-0 by voice vote.**

**C**     [CUP 19-06](#)

Public hearing and consideration of a conditional use permit for manufacturing of food products at 4610 Halibut Point Road in the C-2 zoning district, subject to the attached conditions of approval. The property is also known as Lot 4, Wyatt-Cox Resubdivision #2. The applicant is Issam Samman. The owners of record are Connor and Valorie Nelson.

**Attachments:**     [CUP 19-06 Samman 4610 HPR Staff Report](#)  
                              [CUP 19-06 Samman 4610 HPR Aerial](#)  
                              [CUP 19-06 Samman 4610 HPR Site Plan](#)  
                              [CUP 19-06 Samman 4610 HPR Photos](#)  
                              [CUP 19-06 Samman 4610 HPR Plat](#)  
                              [CUP 19-06 Samman 4610 HPR Admin Back-Up](#)

Brylinsky presented the staff report which highlighted that the location would not be used as a retail location, that there was adequate parking, and that a ventilation system would be utilized to mitigate odors produced in the fish smoking process. Hughey asked Staff to clarify whether or not parking would be an issue as another conditional use permit for marijuana had been issued in the area and parking had been a problem. Staff clarified that the conditional use permit that Hughey referenced was no longer active, and that it was in a different building than the request at hand.

The applicant and owner, Issam Samman and Connor Nelson respectively, came

forward. Windsor asked where the smoke would be ventilated out, Samman responded that the plan was to vent it out the back of the building. Nelson added that if it became a greater issue for neighbors, they would vent the smoke up through the top of the structure which would take care of odor concerns.

**M-Hughey/S-Weaver moved to approve the conditional use permit for manufacturing of food products at 4610 Halibut Point Road in the C-2 zoning district, subject to the attached conditions of approval. The property is also known as Lot 4, Wyatt-Cox Resubdivision #2. The applicant was Issam Samman. The owners of record were Connor and Valorie Nelson. Motion passed 4-0 by voice vote.**

**M-Windsor/S-Hughey moved to adopt the findings as presented in the staff report. Motion passed 4-0 by voice vote.**

**D**      [ZA 18-06](#)

Discussion, direction, and decision on a proposed zoning text change to create a new zoning district for Cemeteries. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

**Attachments:**      [ZA 18-06 Cemetery District Staff Report](#)  
[ZA 18-06 Cemetery District Code Amendment Draft](#)  
[ZA 18-06 Cemetery District Mailing List](#)

Brylinsky presented the staff report. Brylinsky noted that the idea of a cemetery designation had been considered and requested for some time, and work that had been done by previous Planning Director, Mike Scarcelli, was used in the draft ordinance presented. Sitka's zoning code lack a designation for cemeteries, with most burial sites residing in public or residential zones. The creation of the zoning district would create a receptacle for lands used for cemeteries and limited accessory uses, the district was highly restrictive in nature. After passage of the ordinance creating a cemetery district, owners of properties containing cemeteries could then apply for zoning map amendments to designate their cemetery under the new district. The Historic Preservation Commission had reviewed the draft ordinance at their most recent meeting and voted in favor. Weaver asked if this was related to the SJ Overlay zone, Brylinsky answered that the two actions were related. STA did not want to see the SJ Overlay zone go forward until it had protections for its cemeteries nearby, and the applicant of the SJ Overlay zone was holding off further action until the cemetery issue was resolved.

Bob Sam provided public testimony. Sam reiterated that many cemeteries in Sitka were in residential zones which was going to become problematic with changes in the State of Alaska's requirements for burial transfer permits - this action would resolve that issue. Sam also noted that he was on the Historic Preservation Commission which voted unanimously in favor of the draft ordinance.

**M-Hughey/S-Weaver moved to recommend approval of the draft ordinance including any minor changes that legal or staff may find necessary to amend Title 22 of the Sitka General Code to create a cemetery district. Motion passed 4-0 by voice vote.**

**E**      [ZA 18-08](#)

Discussion, direction, and decision regarding proposed revisions to Table 22.20-1 Development Standards, providing for reduced setbacks, decreased minimum lot sizes, and increased building coverage. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

**Attachments:**     [ZA 18-08 Development Standards Staff Report](#)  
                              [ZA 18-08 Development Standards Code Amendment Draft](#)  
                              [ZA 18-08 Development Standards Tabulation of Variances](#)  
                              [ZA 18-08 Development Standards Buildable Areas](#)  
                              [ZA 18-08 Development Standards Maps](#)

Brylinsky presented the staff report. Brylinsky noted that updating the development standards to have smaller lot sizes and reduce setbacks was a priority of the Commission as well as the Assembly. A similar draft ordinance had been presented to the Commission approximately a year ago, and work that had been done by previous Planning Director, Mike Scarcelli, was used in the draft ordinance presented. Brylinsky explained that the focus was on residential zones, excluding low density zones, to change the minimum lot size to 6,000 square feet, increase building coverage from 35% to 50%, decrease the front setback from 20 feet to 14 feet, introduce a split side setback of 5 feet and 9 feet, and decrease the rear setback from 10 feet to 8 feet. There was also an addition made in the footnotes to require that site and building plans provide two off-street parking spots per dwelling unit that do not require tandem parking. Brylinsky also reminded the Commission that one of the goals was to decrease the number of variances requested; based on analysis staff did on the last four years of variances, these changes would have reduced approximately one-third of variance requests.

Weaver stated that he was not for smaller lots, particularly when the City was about to open 800 acres of land in the No Name Mountain area for development. He would perhaps reconsider after the Master Plan for No Name Mountain was completed. Windsor and Hughey stated their support for the change. Windsor suggested that the perhaps the minimum lot size should have been smaller than 6,000 square feet. Hughey stated that this change was needed because smaller lots equated to more affordable housing. Hughey also noted that the low density districts were unchanged and protected areas with larger lots.

Mike Scarcelli provided public testimony. Scarcelli stated that he was also in favor of minimum lot sizes smaller than 6,000 square feet, but that could be solved with new zoning codes or planned unit developments. The changes in the draft ordinance preserved the ability to place accessory dwelling units on lots, which also would contribute to expanding affordable housing. Addressing Weaver's comments, Scarcelli also noted that of the approximately 800 acres in the No Name Mountain Area, approximately 600 acres would likely not be used for development due to wetland preservation or topography challenges. Scarcelli expected that the zoning scheme in the Master Plan would include both large and small lots.

Spivey stated his preference was to not make the minimum any lower than the proposed 6,000 square feet. Land could, in some cases, be a determining issue for affordability of housing. Spivey felt the proposed changes provided more flexibility and options with the limited land available in Sitka.

Weaver stated that some developers used smaller lot sizes to their advantage, buying many small lots and then controlling the price for resale, meaning that the houses did not necessarily become more affordable. Windsor and Hughey both felt that the tactics described by Weaver were not as likely to take place in Sitka due to its lack of land availability and topographical challenges.

**M-Hughey/S-Windsor moved to recommend approval of the draft ordinance to**

amend Table 22.20-1 Development Standards of Title 22 of the Sitka General Code with minor changes that legal or staff may find necessary. Motion passed 3-1 by voice vote.

**VIII. ADJOURNMENT**

Seeing no objection, Chair Spivey adjourned the meeting at 8:15 p.m.