



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Randy Hughey
Victor Weaver

Tuesday, July 2, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (chair), Darrell Windsor, Randy Hughey
Absent: Victor Weaver (excused), Aaron Bean (assembly liaison)
Staff: Amy Ainslie, Pat Swedeen
Public: Richard Wein, Jacquie Foss, Dan Evans, Ted Laufenberg, Marty Martin, Justin Brown, Dave Miller

Chair Spivey called the meeting to order at 7:00 pm.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

M-Hughey/S-Windsor moved to approve the June 19, 2019 minutes. Motion passed 3-0 by voice vote.

A [PM 19-10](#) Approve the June 19, 2019 minutes.

Attachments: [10-June 19 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that Fire Chief, Dave Miller, had been named as the Interim Municipal Administrator. There were no updates on filling the Planning Director position, though the Assembly had given approval for the position to be filled. Ainslie discussed a potential extension of an initiation period for a conditional use permit on short-term rental while the permit holder finished work to meet a fire, life, & safety inspection. The Commissioners agreed the issue should appear on the next agenda. Ainslie told Commissioners the next agenda would be light and to let her know if there were any discussions or research issues they would like Ainslie to set time aside for on the agenda.

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 19-14](#)

Review / Recommendation of draft revised Floodplain Management Ordinance and Regulations.

Attachments: [NFIP Update Planning Commission MEMO 8-1-19](#)
[2019-xx Floodplain update Final Draft](#)
[SitkaFloodplainRegulations-CleanCopyDraft](#)

The Building Official and Floodplain Manager, Pat Swedeen came forward. Swedeen explained that Sitka's floodplain ordinance and management policy needed to be updated before August 1 in order to stay in good standing with the FEMA program. Federally backed home loans required mortgage holders to obtain flood insurance if their home was in a floodplain as determined by FEMA mapping. Swedeen explained there had been changes to the floodplain maps for Sitka that was informed by LIDAR surveys; approximately 100 structures were leaving the floodplain, but approximately 100 new structures would be entering the designation. Maintaining compliance with the program allowed those mortgage holders to obtain subsidized flood insurance, and had other effects on federal funding and grants for CBS and citizens.

Spivey inquired about whether or not the structures newly entering the floodplain designation per the new maps had been notified of the change. Swedeen answered that there had been several public meetings to make new information available, but that there was not an assurance that all the owners of the structures newly entering the floodplain had attended and were aware. Spivey also asked if there was an avenue for property owners to appeal their status in the floodplain, which Swedeen said there was a process called a "letter map amendment", and several of these exemptions had taken place for properties in Sitka. Swedeen also noted that regardless of whether or not a structure is in the flood zone, being a part of the FEMA program allowed all Sitka property owners to obtain subsidized flood insurance that would cover water events that are possible outside of the floodplain. Hughey and Windsor agreed that being in the program was beneficial and that they would like to vote yes on it.

Richard Wein came forward and expressed a desire to notify property owners of structures newly entering the floodplain. He also noted that participation in the program was not mandatory, but it was the lending institutions that created a de facto mandate to be a part of the program. Wein stated that in reviewing 50 years of information from the Sitka Sentinel on flood events and was not able to find much history. Wein felt participation in the program was another "hit" to Sitka, and the Commission should consider asking that notifications to property owners in the floodplain be sent.

Commissioners discussed how property owners would receive notification, Spivey stated mortgage lenders would likely notify property owners. Hughey concluded the discussion by saying there was no harm in being part of the program and that our participation in it should continue.

**M-Hughey/S-Windsor moved to recommend approval of the amendments to, and adoption of, the Floodplain Management ordinance to the Assembly.
Motion passed 3-0 by voice vote.**

C [VAR 19-02](#)

Public hearing and consideration of a zoning variance for front and side setbacks at 200 Park Street in the R-1 single-family and duplex residential district. The property is also known as A Portion of Lot 24, Block 14, Sitka Townsite. The request is filed by Zack and Jacquie Foss. The owners of

record are Zack and Jacquie Foss.

Attachments: [VAR 19-02 Foss 200 Park Staff Report](#)
[VAR 19-02 Foss 200 Park Aerials](#)
[V 19-02 Foss 200 Park Street As Built](#)
[VAR 19-02 Foss 200 Park Site Plan](#)
[V 19-02 Foss 200 Park Street Photos](#)
[VAR 19-02 Foss 200 Park Applicant Materials](#)
[VAR 19-02 Foss 200 Park Public Comment](#)

Ainslie noted the non-standard size and shape of the lot, as it was just under 4500 square feet in size. Ainslie described some of the challenges of developing the lot given its size, shape, existing structures, an easement on the north side of the lot, and that it was a corner lot (meaning it had 2 front setbacks). Ainslie presented the site plan and parking plan.

Spivey asked about maximum lot coverage and if the plans exceeded the maximum. Spivey also asked if the structure was being used as a duplex, Ainslie answered that it was not. Hughey voiced concern about the frontage on Etolin Street being so close to the road, and if that could be removed.

Jacquie Foss, the owner of the property came forward. Foss noted the state of disrepair of the structure and the plans to repair the home were no longer possible. Foss also stated that due to climate and lifestyle in Southeast Alaska, having covered entry-ways and garage storage were important priorities in the plan. Foss clarified that the structure would have two small dwelling units; a small home with an apartment. Hughey and Spivey reiterated concerns for visibility at the corner of Etolin Street and Park Street, Foss stated that she could be flexible in the design if needed.

Dan Evans had safety concerns about garages being too close to the property line; when cars back out of a garage so close to a property line, part of the car is out in the street before its completely out of the garage which impeded visibility. Evans supported the Foss's project and improving the property but wanted to see the plans changed to better accommodate vehicles and safety concerns.

Ted Laufenberg did not wish to see crowding of the lot with cars, boats, and overbuilding. Laufenberg stated that homes in the R-1 zone ought to have more open space, and he also questioned whether or not duplexes were allowed in R-1 zones. Laufenberg also reiterated traffic and visibility concerns.

Richard Wein asked to look at the aerial view and noted there was in practice no neighbor on the east side on the lot, and the Commission could go down to a zero setback. Wein also reminded the Commission of the home's age and that the house with its current placement was not considered a hazard.

Ainslie read three written public comments into the record. Two letters from Brandon Marx and Bridget Kauffman further iterated parking, traffic, and visibility concerns in the area. Shelly Adams wrote to express support for the variances requested and stated that the proposal would be a positive addition to the neighborhood.

Commissioners supported the plans to renovate and improve the property, but wanted the plans to address concerns raised by the neighborhood. Commissioners wished to postpone action on the item so that the applicant could make changes and come back

before the Commission as soon as the applicant wished.

M-Hughey/S-Windsor moved to postpone consideration of the item to allow the applicant time to make changes to the site plan that addressed concerns raised during the hearing. Motion passed 3-0 by voice vote.

D [CUP 19-13](#)

Public hearing and consideration for a conditional use permit for a marijuana retail facility at 1210 Beardslee Way in the Industrial District. The property is also known as Lot 1B, Mick's Resubdivision. The request is filed by Marty and Elizabeth Martin, Justin Brown, and AKO Farms, LLC. The owner of record is Martin Enterprises, Inc.

Attachments: [CUP 19-13 Martin MJ Retail Staff Report](#)
[CUP 19-13 Martin MJ Retail Aerial](#)
[CUP 19-13 Martin MJ Retail Site Plan](#)
[CUP 19-13 Martin MJ Retail Parking Plan](#)
[CUP 19-13 Martin MJ Retail Photos](#)
[CUP 19-13 Martin MJ Retail Plat](#)
[CUP 19-13 Martin MJ Retail Deed](#)
[CUP 19-13 Martin MJ Retail CUP Application](#)
[CUP 19-13 Martin MJ Retail AMCO Application](#)

Ainslie gave the staff report, reminding the Commission that two previous conditional use permits for marijuana facilities, a cultivation permit and concentrate permit, had previously been granted to the applicants at this address. Ainslie reported that the incremental impacts of adding retail operations to the area would be marginal in terms of traffic, noise, odor, or any other impacts on the surrounding area. The applicants planned to build an approximately 500 square foot addition on to the existing facility.

The applicants, Marty Martin and Justin Brown came forward. The Commission asked if they were going to construct the building the same way the original building had been constructed, and the applicants answered yes. Spivey stated that he wished all marijuana operators would build their facilities to the standards the applicants had used in constructing their facility. There were no further questions or concerns from the Commission or the public.

M-Windsor/S-Hughey moved to approve the conditional use permit application for a marijuana retail facility at 1210 Beardslee Way in the Industrial zoning district subject to the listed conditions of approval. The property was also known as Lot 1B, Mick's Resubdivision. The request was filed by Marty and Elizabeth Martin and Justin Brown. The owner of record was Martin Enterprises, Inc. Motion passed 3-0 by voice vote.

M-Windsor/S-Hughey moved to find that there were no negative impacts present that had not been adequately mitigated by the listed conditions of approval and to adopt the required findings. Motion passed 3-0 by voice vote.

VIII. ADJOURNMENT

Seeing no objection, Chair Spivey adjourned the meeting at 8:05 p.m.