



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Wednesday, October 16, 2019

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (chair), Darrell Windsor, Randy Hughey, Victor Weaver, Stacy Mudry

Absent: Kevin Mosher (assembly liaison)

Staff: Amy Ainslie

Public: Colin Flanagan, Kerri O'Toole, Jacob Kirkness, Dan Falvey, Richard Wein, Trevor Harang, Tracie Harang, Shannon Haugland

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 October 2, 2019 minutes. Motion passed 5-0 by voice vote.

A [PM 19-15](#) Approve the October 2, 2019 minutes.

Attachments: [15-Oct 2 2019 DRAFT](#)

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie informed the Commission that a formal offer for the Municipal Administrator position had been made from the Assembly to John Leach. If Leach accepted the position, he would start in the spring, likely early April. The Assembly had hired Hugh Bevan to serve as the Interim Municipal Administrator until Leach could start. There were no updates on filling the Planning Director position. Ainslie asked the Commissioners about their availability for December meetings as there was a question of whether or not the meetings would have a quorum, and if not, Ainslie would like to provide notice to the public. Based on the Commissioners responses, it appeared there would be a quorum for both December meetings.

VI. REPORTS

VII. THE EVENING BUSINESS

- B** [MISC 19-17](#) Public hearing and consideration of an amendment to CUP 19-12, an approved conditional use permit for a food stand at 200 Lincoln Street in the Central Business District. The property is also known as Lot 6, Block 1 Sitka Townsite. The request is filed by Colin Flanagan. The owners of record are Troy and Vickie Denkinger.

Attachments: [MISC 19-17_CUP 19-12 Amendment_Staff Memo](#)
 [MISC 19-17_CUP 19-12 Amendment_Aerial](#)
 [MISC 19-17_CUP 19-12 Amendment_Application & Narrative](#)
 [MISC 19-17_CUP 19-12 Amendment_Site Plan & Drawings](#)
 [MISC 19-17_CUP 19-12 Amendment_Minutes](#)
 [MISC 19-17_CUP 19-12 Amendment_Original CUP Information](#)

Ainslie provided history on the original conditional use permit request, particularly focusing on the proposed set-up for food service which included an 8' x 8' pop-up canopy tent and tables. The applicant, Colin Flanagan, was interested in utilizing a more sound structure and had partnered with the Sitka High School (SHS) shop program to commission and purchase a shed-type structure. Ainslie felt this was a significant enough change to the original proposal to warrant an amendment to the permit and review from the Commission. The new structure could be more aesthetically pleasing as opposed to the pop-up tent, though this was subjective. Ainslie also maintained that like the original proposal, the structure would not impede pedestrian or vehicular traffic as the alley was not a thoroughfare connecting Lincoln Street and Harbor Drive, and that there were no expected additional impacts in terms of noise, odors, or hours of operation. Conversely, Ainslie noted two primary concerns. First, the structure would have to be moved with a forklift which could be an impediment to traffic while placing or removing it. Second, there was the potential for accessibility by emergency services to be impacted due to the size of the structure relative to the width of the alley. The proposal had been reviewed and approved by the Fire Chief, the applicant was working with the Building Department. Ainslie had added a passing fire/life/safety inspection from the Building Department to the conditions of approval. Given that these concerns could be monitored and mitigated, Ainslie recommended approval.

Colin Flanagan came forward, reiterating that he was working with Mike Viera of the SHS shop program to design the shed to meet the needs of his business including the size, food safety concerns, and service window. This would be a new design from the sheds the students usually produced, which was interesting for the students to work on. Flanagan stated that the structure would be placed at the location in question in May and removed in October. Flanagan emphasized that the moving of the structure would be done early in the morning to avoid traffic impediments. Hughey asked if the structure had to be moved or if it could stay in place year-round, Flanagan answered that due to Building Code requirements if the structure was in place for more than 180 days it would have to have a permanent foundation. Hughey also asked about the aesthetics of the structure and if it would match the look and feel of other downtown buildings. Flanagan stated that the aesthetic design was a priority and he wanted to operate a business that did not look out of place in the downtown area. Mudry discussed some of the challenges of forklift operations.

Richard Wein stated concerns regarding fire and ventilation inside a small, enclosed space and asked the Commission to consider whether or not the shed structure would be safer than the open canopy tent.

The Commissioners felt that between Fire Department and Building Department oversight, any safety concerns could be monitored and/or mitigated. Ainslie added that DEC's Food Safety had also been consulted on the proposal.

M-Hughey/S-Windsor moved to approve the proposed amendment to CUP 19-12, a conditional use permit for a food stand in the central business district located at 200 Lincoln Street subject to the attached conditions of approval. The property was also known as Lot 6, Block 1, Sitka Townsite. The request was filed by Colin Flanagan. The owners of record were Troy and Vickie Denking. Motion passed 5-0 by voice vote.

C [CUP 19-19](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 210 Lakeview Drive in the R-1 single family and duplex residential district. The property is also known as Lot 54, Amended Lakeview Heights Subdivision. The request is filed by Jacob Kirkness and Kerri O'Toole. The owners of record are Jacob Kirkness and Kerri O'Toole.

Attachments: [CUP 19-19 210 Lakeview STR Staff Report](#)
[CUP 19-19 210 Lakeview STR Aerial](#)
[CUP 19-19 210 Lakeview STR STR Density](#)
[CUP 19-19 210 Lakeview STR Floor Plan](#)
[CUP 19-19 210 Lakeview STR Photos](#)
[CUP 19-19 210 Lakeview STR Plat](#)
[CUP 19-19 210 Lakeview STR Renter Handout](#)
[CUP 19-19 210 Lakeview STR Application](#)

Ainslie described the density map included in the packet to show short-term rentals in the area. There was one other short-term rental on Lakeview Drive. There was a dense concentration of short-term rentals on the other side of Halibut Point Road in the Marine Street/Erler Street/Marine Street neighborhood. Ainslie described the unit to be rented as a one bedroom, one bathroom dwelling unit attached to the main house. The main house was the primary residence of the owners, so the owners would be on site to monitor any issues that could arise. There was ample parking available, easily meeting the requirement of two spaces per dwelling unit. Lakeview Drive functioned as a loop and had adequate size and condition to handle the vehicular traffic generated from the rental. There were many buffers between the property and neighbors - the house was set over 100 feet back from the front property line, there was lots of vegetation, and the property bordered the lake on one side. Ainslie recommended approval.

The applicants, Jacob Kirkness and Kerri O'Toole came forward. Commissioners asked if they had any information or thoughts to add to the staff report. O'Toole stated that she wanted to have flexibility with the space to try out both long and short-term renting. Commissioners had no further questions.

M-Windsor/S-Hughey moved to approve the conditional use permit for a short-term rental at 210 Lakeview Drive in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 54, Amended Lakeview Heights Subdivision. The request

was filed by Jacob Kirkness and Kerri O'Toole. The owners of record were Jacob Kirkness and Kerri O'Toole. Motion passed 5-0 by voice vote.

M-Windsor/S-Hughey moved to adopt the required findings for conditional use permits. Motion passed 5-0 by voice vote.

D [VAR 19-05](#)

Public hearing and consideration of a platting variance to connect more than four properties to a private utility system at 123 Anna Drive in the R-2 multifamily residential district. The property is also known as Lot 3, Miller Subdivision. The applicant is Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O'Gara.

Attachments: [VAR 19-05 Falvey 123 Anna Drive_Staff Memo](#)
[VAR 19-05 Falvey 123 Anna Drive_Minutes](#)
[VAR 19-05 Falvey 123 Anna Drive_Access Easement and Utility Maintenance Agreement](#)
[VAR 19-05 Falvey 123 Anna Drive_Preliminary Plat](#)

Ainslie provided history on the request, noting that a conceptual plat for the subdivision had been approved by the Commission at their March 6, 2019 meeting. The request is for a minor subdivision resulting in 2 lots within a hybrid minor subdivision. At the time, it was unclear whether the new lot would connect to public utilities on Anna Drive, or connect to the private utility system farther up Anna Drive. Per the subdivision code, connecting more than four lots to private utility systems required a platting variance. The applicant, Daniel Falvey, had spoken with the Public Works Department and found it would be better to connect to the private utility system because of the distance of trenching that would be required to reach the public utilities which would create a major disturbance to neighboring properties, the angle of the connection, and potential disturbance to public utility users on Anna Drive. Falvey had also worked with neighboring properties to create, agree to, and record a new maintenance agreement for the access easement and the private utility system. Ainslie recommended approval, concluding that the platting variance would not be injurious to the health or safety of others, prevents extensive road disturbance, and enabled neighborhood harmony through the creation of the new maintenance agreement.

Falvey came forward to provide more detail on his plans and some of the challenges of connecting to public utilities. Falvey clarified that over 300 feet of trenching would be required to connect to the public system which would be cost prohibitive and a major disturbance to access for neighbors. Falvey answered questions about the line sizes and the pumphouse, clarifying that there were currently five users and this proposal would increase that to six. Falvey added that it would be beneficial to have another property sharing in the cost of the pumphouse.

M-Hughey/S-Windsor moved to approve the platting variance to connect more than four properties to a private utility system at 123 Anna Drive in the R-2 multifamily residential district. The property was also known as Lot 3, Miller Subdivision. The applicant was Daniel Falvey. The owners of record were Daniel Falvey and Kathleen O'Gara. Motion passed 5-0 by voice vote.

M-Hughey/S-Windsor moved to adopt the required findings for platting variances. Motion passed 5-0 by voice vote.

E [P 19-01](#)

Public hearing and consideration of a preliminary plat to result in two lots at 123 Anna Drive in the R-2 multifamily residential district. The property is also

known as Lot 3, Miller Subdivision. The applicant is Daniel Falvey. The owners of record are Daniel Falvey and Kathleen O'Gara.

Attachments: [P 19-01 Falvey 123 Anna Drive Staff Report](#)
[P 19-01 Falvey 123 Anna Drive Aerial](#)
[P 19-01 Falvey 123 Anna Drive Current Plat](#)
[P 19-01 Falvey 123 Anna Drive Preliminary Plat](#)
[P 19-01 Falvey 123 Anna Drive Photos](#)
[P 19-01 Falvey 123 Anna Drive Drainage Report](#)
[P 19-01 Falvey 123 Anna Drive Applicant Materials](#)

Following on from the previous item, Ainslie provided more specifics on the new lots to be created. Lot 1 with the existing home would become 24,233 square feet net of access easements. Lot 2, the new lot, would be 13,877 square feet net of access easements. Both lots far exceeded the 6,000 square foot minimum for the zoning district. The new lot would be in a picturesque, residential neighborhood with mountain views and sparse development. The applicant, Daniel Falvey, planned to build an approximately 1200 square foot home on the new lot, and some lot preparation had been done. Ainslie also referenced the newly adopted maintenance agreement for the access easement and private utilities that Falvey had successfully executing which was a good improvement for the neighborhood. A drainage report had also been completed and reviewed by city engineering; city engineering had reviewed, and agreed to, the drainage plan. Ainslie recommended approval, concluding that while the area had been oddly developed and platted, the proposal was a creative use of the available area, and fit within the frameworks laid out in the subdivision code.

Falvey stated that since conceptual plat approval, he had worked in good faith to complete the list of items he was told needed to be completed prior to preliminary plat approval including working on the updated maintenance agreement, having a survey done, and commissioning the drainage report. Falvey added that the drainage in the area would be improved as a result of his work on the road and new drainage ditches being constructed. Falvey also discussed some of the site plans for potential placement of a new residential structure.

Richard Wein, a property owner in the neighborhood, had questions regarding the site plan and where a house would be placed in relation to the road. Wein was primarily concerned with winter driving conditions. The grade of the road, coupled with ice and snow, made the road dangerous. If traction was lost, cars coming downhill currently could slide into this vacant area. If a home was constructed, vehicles could slide into the structure, parked cars, or the residents themselves. Commissioners and Falvey reviewed the plat, the width of the road, the placement of large rock walls along the roadsides, and the proposed house placement.

There were also concerns from Commissioners regarding drainage; Mudry and Windsor both voiced concern regarding lack of guidance from a Planning Director. Hughey stated drainage reports and planning were done through city engineering, even when a Planning Director was in place and therefore felt there was adequate assurance that drainage was properly handled/accounted for. Weaver also agreed that drainage reports were completed, and reviewed, by engineers which Planning Directors usually did not have direct expertise in.

M-Hughey/S-Windsor moved to approve the preliminary plat of a hybrid minor subdivision to result in two lots at 123 Anna Drive in the R-2 multifamily residential district subject to the attached conditions of approval. The property was also known as Lot 3, Miller Subdivision. The request was filed by Daniel Falvey. The owners of record were Daniel Falvey and Kathleen O'Gara. Motion passed 5-0 by voice vote.

M-Hughey/S-Windsor moved to adopt the findings as listed in the staff report. Motion passed 5-0 by voice vote.

VIII. ADJOURNMENT

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