

**City and Borough of Sitka  
Planning and Zoning Commission  
Minutes of Meeting  
December 6, 2011**

**Present:** Jeremy Twaddle (Acting Chair), Tom Rogers (Member), Richard Parmelee (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

**Members of the Public:** Stephen Weatherman (Municipal Engineer), Karen Lucas, Richard Marvin, Kendall Didrickson, Craig Shoemaker, Susan Litman, Craig Giammona (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the November 15, 2011 meeting:**

**MOTION: M/S PARMELEE/ROGERS** moved to approve the meeting minutes for November 15, 2011.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**This evening's business:**

**ZONING MAP AMENDMENT  
242 KATLIAN AVENUE  
KAREN (LUCAS) JOHNSON**

*Public hearing and consideration of zoning map amendment at 242 Katlian Avenue to change the Katlian Avenue front half of the property's zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.*

Planning Director Williams reviewed this request. A proposal was made at the last meeting to have the front half zoning along Katlian Avenue change from R-1 to CBD and the uphill back portion remain R-1 due to the concerns with commercial uses along Kaagwaantaan Street. Mr. Williams expressed that the applicant needs to be aware of this as it will require different construction due to the two uses on a small lot. He also clarified contract zoning and that the new zoning line does not correlate to a property line.

**Applicant:** Ms. Lucas came forward. She is fully aware of the zoning line. She asked if it would be allowed to place one building on the lot that straddles the new zoning line.

Planning Director Williams assumed that that would be the case, but the use in the building would go with the designated zoning.

She also got clarification that it would be allowed to have a small cottage on the Kaagwaantaan Street side and a coffee stand on the Katlian Avenue side, with the stipulation that the setbacks would still need to be in place for each of the zones.

**Public Comment:** There was no public comment.

Commissioner Windsor received clarification from Planning Director Williams that a building could straddle the new zoning line, but that it would need two different uses and that there isn't a setback from that zoning line.

**MOTION: M/S PARMELEE/WINDSOR** moved to recommend approval the zoning map amendment at 242 Katlian Avenue. The request is to change the Katlian Avenue front half of the property's zoning from R-1 single-family and duplex residential district to CBD central business district. The request is filed by Karen (Lucas) Johnson. The property is also known as Lot 21 Block 1 Sitka Indian Village US Survey 2542 A&B.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Staff recommended findings in support of the recommended zoning map amendment.

**MOTION: M/S PARMELEE/WINDSOR** moved to approve the following findings in support of the recommended zoning map amendment:

1. That the zoning map amendment does represent a continuation of a logical zoning pattern along Katlian and Kaagwaantaan specifically a zoning pattern that recognizes the historical use along Katlian and the historical residential use along Kaagwaantaan;
2. The zoning map amendment is consistent with the 2007 Comprehensive Plan, specifically 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Commissioner Twaddle rescued himself and Vice Chair Rogers took the gavel.

**VARIANCE REQUEST  
623 MERRILL STREET  
MARGARET (PEGGY) FEDEROFF**

*Public hearing and consideration of a variance request at 623 Merrill Street filed by Margaret (Peggy) Federoff. The request is for a reduction in the rear setback to 5 feet for the garage of a new construction. The property is also known as Lot 57 Amended Plat of The Pinehurst Subdivision US Survey 1804 Sitka Townsite.*

Ms. Henshaw provided a review of this request. This request is before the board again due to the footprint change. The previous request had a 15 foot front setback and the rear setback had one corner of the eave at 5 feet. However, now the request is for the construction to touch on three corners in the rear. The lot is 6,575 square feet and a pie like or triangular shape to it. Concerns have come in from the neighboring property and the muskeg which there was a member of the public to speak to.

**Applicant:** Jeremy Twaddle with Island Enterprises, general contractor came forward as representative for the applicant. The garage before ran parallel with the front setback but to accommodate for the entryway and stairs, the garage needs to be shifted back. So now the garage will touch that 5 foot setback.

Commissioner Rogers did mention that that would help with any concerns of off street parking that arose at the last meeting on this item.

Commissioner Windsor received replies from staff when asked why the Commission had to look at this again. Planner Ms. Henshaw stated that due to the change in footprint it needs to be seen again since the approval is based upon plans submitted. Planning Director Williams also replied that the neighbors would be put at a disadvantage if they didn't come back through the commission when the footprint has changed since they wouldn't get the full picture of the request.

**Public Comment:** Richard Marvin Jr. came forward. He is the son of the owners at 621 Merrill Street. He raised concerns not with the footprint of the building rather on the muskeg. He would like to know what process the contractor will be going through on this. Will there be pillars or will the muskeg be removed? He expressed his concerns that once muskeg is damaged, you can't replace it and it takes time for it to find the damage. The depth of having solid ground was 28 feet down. Martin Construction measured it for them. He is worried about the water table and a retaining wall will not work for this situation. He would like a better detail on the plans of what will take place with the foundation. Mr. Marvin replied to Planning Director Williams' questioning on the muskeg and drying/removing of it. When you remove muskeg, the water table drops, when the water table drops, the muskeg underneath all the properties around this location will dry out and will drop since it is like a sponge, it absorbs water, but it takes years for it to collect and rise up. The damage will be undetermined if this hole will be filled with rock if the muskeg is removed.

Mr. Twaddle, general contractor stated that they do plan to drive in pilings and will not be removing the muskeg but will just clean off the location so that the pilings can be driven. Mr. Twaddle, general contractor exchanged numbers with Mr. Marvin.

**MOTION: M/S PARMELEE/WINDSOR** moved to approve the variance request at 623 Merrill Street filed by Margaret (Peggy) Federoff. The request is for a reduction in the rear setback to 5 feet for the garage of a new construction. The property is also known as Lot 57 Amended Plat of The Pinehurst Subdivision US Survey 1804 Sitka Townsite.

**ACTION:** Motion **PASSED 3-0** on a voice vote.

Staff recommended findings in support of the approved variance.

**MOTION: M/S PARMELEE/WINDSOR** moved to approve the following findings in support of the approved variance:

1. There are special circumstances to the intended use that do apply generally to the other properties, specifically the triangular shaped parcel;
2. 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;

3. 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;
4. That the granting of such a variance will not adversely affect the comprehensive plan.

**ACTION:** Motion **PASSED 3-0** on a voice vote.

**VARIANCE REQUEST  
507 KATLIAN AVENUE  
SEAFOOD PRODUCERS COOPERATIVE**

*Public hearing and consideration of a variance request filed by Seafood Producers Cooperative at 507 Katlian Avenue. The request is for a reduction in the front setback to 4 feet for an addition. The property is also known as Lot 1A S.P.C. Subdivision No. 2.*

Planner Ms. Henshaw briefly overview this request and then turned it over to the applicant to explain further. This request was previously granted and the applicant is reapplying due to the timeframe. There was a foundation that was put in place, but then work on it halted and the approval has lapsed. This area will now be for processing rather than the original request as freezer space.

**Public Comment:** Stephen Weather, Municipal Engineer came forward. He went out to the site and determined that the storm drain does not fall underneath the foundation.

**Applicant:** Mr. Shoemaker, Plant Manager and Mr. Didrickson, Assistant Chief Engineer came forward. Mr. Shoemaker stated that the footprint hasn't changed. Mr. Didrickson informed the Commission that the plant is looking to expand their value added line which will be portioning of the fish fillet. Thus it involves several more pieces of equipment, and they need this space to do so. This will allow their processing season to be longer and into the fall season.

Chariman Twaddle asked about the height on this structure.

Mr. Didrickson replied that the walls will be 14 feet in height although not completely sure the company is looking at going with a roof that will be 18 feet 6 inches at the top of the pitch. Although a survey needs to be done, that should be low enough for the power lines. This is a couple feet less in height than the previously proposed building. Mr. Didrickson has worked with both the Electrical Department and the Building Department on this issue. This roof should be no closer than 7 feet 6 inches to the communications wires (which are the lowest wires). The electrical wires are well over 12 feet away from the roof.

Planning Director asked Mr. Shoemaker why this project didn't get done with the first approved variance. To which Mr. Shoemaker replied that they had a company planning session that determined that the lines needed to be in place over the freezer. This design works better for product flow. The freezer is now constructed within the building.

**Public Comment:** None.

**MOTION: M/S PARMELEE/ROGERS** moved to reapprove the variance request filed by Seafood Producers Cooperative at 507 Katlian Avenue. The request is for a reduction of the front setback to 4 feet for an addition. The property is also known as Lot 1A S.P.C. Subdivision No. 2

**ACTION:** Motion **PASSED unanimously** on a voice vote.

Staff recommended findings in support of the approved variance.

**MOTION: M/S ROGERS/PARMELEE** moved to approve the following findings in support of the reapproved variance:

1. That the granting of this variance is consistent with the previously approved variance and does not extend the footprint of the original structure;
2. That the infrastructure in the area has not changed and that the granting of the variance continues to not adversely affect the infrastructure of other properties;
3. That the approval of the variance is consistent with Comprehensive Plan 2.1.1 Contribute to a stable, long-term, local economic base and 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

## **OVERVIEW EXISTING SHORT-TERM RENTAL REGULATIONS**

Planning Director Williams stated that since the moratorium expired, the Planning Commission has seen these types of requests and staff is following direction from the Commission that they would like an update/briefing on these requests and the regulations for them. He explained the difference between bed and breakfasts and short-term rentals, the conditions that need to be placed, timeframes, and what the Sitka General Code states on these.

## **OVERVIEW ZONING AND SUBDIVISION CODE CHANGES**

Planning Director Williams explained that the last major rewrite of the Sitka General Code was in 2002, and housekeeping changes occurred after that. Now we have other issues and items that have come before the board, specifically wind turbines and that needs to be written in. Additions for the language includes language regarding public notices, reconsideration to Planning Commission not the Assembly upon proof of failure to receive notice, dedication on plats, flagging of exterior lot lines, conditional use findings, staff reports, nonconforming lots, situation, structure, use, communications antennas, cell towers, wind turbines, violations of conditional use permits and variances, setbacks for trash containers and small structures.

## **PRESENTATION WIND TURBINE ZONING REGULATIONS FROM OTHER COMMUNITIES**

Planning Director Williams informed the Planning Commission that the Administrator has asked that he bring wind turbines into the Sitka General Code. Planning Director Williams presented a slide show of the municipal regulations from Wyoming with regards to their regulatory process,

review process, application, setbacks, heights, sound levels, aviation, abandonment, and violations.

#### **PLANNING DIRECTOR'S REPORT**

Planning Director Williams showed the Commissioners the GIS mapping on different types of systems including, the iPhone, Kindle Fire, a laptop, a Samsung tablet and other.

#### **PUBLIC BUSINESS FROM THE FLOOR**

None.

#### **ADJOURNMENT**

**MOTION: M/S WINDSOR/PARMELEE** moved to adjourn at 9:31 p.m.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Jeremy Twaddle, Acting Chair

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Melissa Henshaw, Secretary