



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

Wednesday, May 18, 2022

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Stacy Mudry, Wendy Alderson, Katie Riley

Absent: Thor Christianson (Assembly liaison, excused)

Staff: Amy Ainslie

Public: Justin Peeler, Sherri Blankenship, Barbara Palacios, Richard Forst, Brett Haavig, Rebecca Poulson, Ariadne Will (Sitka Sentinel)

Chair Spivey called the meeting to order at 7:03 PM.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 22-10](#) Approve the May 4, 2022 meeting minutes.

**M-Windsor/S-Alderson moved to approve the May 4, 2020 meeting minutes.
Motion passed 5-0 by voice vote.**

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reported that the Planner I position was still vacant and shared information on Planning Department availability. Ainslie also shared an update on progress being made on the Short-Term Tourism Plan including the creation of a community feedback line and a temporary restroom being placed on Lincoln Street.

VI. REPORTS

VII. THE EVENING BUSINESS

B [CUP 22-17](#) Public hearing and consideration of a conditional use permit for an eating and drinking place at 4639 Sawmill Creek Road in the GP - Gary Paxton special zone. The property is also known as Lot 2, Block 3, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by Barbara Palacios. The owner of record is the City and Borough of Sitka.

Ainslie noted that this property was the location of the popular visitor attraction,

Fortress of the Bear. There was one other active conditional use permit for food service on the property as approved in case file CUP 22-09 which was for a concession stand. The applicant in this case ran a food cart called The Fresh Fish that offered more meal/lunch options centered around seafood. Food was prepared off site in a commercial kitchen and kept at temperature at the cart. There was ample space on the property to accommodate both permittees; Ainslie had done a site visit with a staff member from Fortress of the Bear to confirm the placement locations which were clear of the parking and bus lane area at the front of the lot. Given that the site was already experienced high levels of bus and other traffic coming to and from the site in the visitor season, Ainslie stated that this additional use on the lot was unlikely to attract a noticeably higher level of traffic. Staff recommended approval.

The applicant, Barbara Palacios came forward. Palacios provided more detail about her cart and other locations from which she operated. Palacios stated that she would not be at this location every day, as it would depend on the cruise ship schedule. Alderson asked where Palacios would be disposing of her grey water, as the site did not have a commercial kitchen; Palacios confirmed that she would be properly disposing her grey water at the commercial kitchen in which she prepared food.

M-Riley/S-Alderson moved to approve the conditional use permit for an eating and drinking place at 4639 Sawmill Creek Road in the GP - Gary Paxton special zone subject to the attached conditions of approval. The property was also known as Lot 2, Block 3, Sawmill Cove Industrial Park Resubdivision No 1. The request was filed by Barbara Palacios. The owner of record was the City and Borough of Sitka. Motion passed 5-0 by voice vote.

M-Riley/S-Alderson moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

C [CUP 22-18](#)

Public hearing and consideration of a conditional use permit for a temporary structure (retail trailer) at 104 Cathedral Way in the CBD - central business district. The property is also known as Lot 2, Block 6, US Survey 1474 Tract A. The request is filed by Sherri Blankenship and Justin Peeler. The owners of record are Adam and Kris Chinalski.

Ainslie started by noting this property may have been familiar to Commissioners, as it had been previously permitted for food truck operations. It was a very small lot at 911 square feet, and while it had electric service it did not have water or wastewater services. Given these challenges, the lot had become a popular location for food trucks, carts, and other temporary/mobile business. The applicants planned to use the site for a retail trailer that would be approximately 24 feet in length and 8 feet in width to sell health products the applicants manufactured off site. Customers would be able to step into the unit to shop, or browse from the exterior of the unit as the front of the unit had expansive windows. No unusual noise or odors were anticipated - the unit would be connected to power to avoid use of a generator and the products were manufactured off site. Ainslie said that a high level of vehicular and pedestrian traffic is expected in the central business district and that the proposed retail use was in-line with the intent of the district. Staff recommended approval. Spivey asked if other mobile/temporary businesses would be covered under this permit, as permits generally run with the property. Ainslie stated that between the differences/uniqueness of different mobile business types as well as the difficulty there would be with enforcement if there were not separate permits, other temporary/mobile businesses at this location would likely require their own permits.

The applicants, Sherri Blankenship and Justin Peeler, came forward. Blankenship elaborated on some of the features of the trailer, and Peeler noted that unlike the example photo, their unit would have two doors which they felt was safer. Blankenship explained that they had recently been told that the trailer had been backordered and was not expected until late in the visitor season. Commissioners asked if they would be using any kind of temporary set-up in the meantime; Blankenship answered that they were considering doing so. Commissioners asked Ainslie if this permit could cover some other temporary structure or kiosk in the meantime - Ainslie stated that this could be an allowable accommodation to make under the permit if the Commission would like to see that flexibility for the upcoming summer season. There was consensus among Commissioners to provide that flexibility.

M-Alderson/S-Mudry moved to approve the conditional use permit for a temporary structure at 104 Cathedral Way in the CBD - central business district subject to the attached conditions of approval. The property was also known as Lot 2, Block 6, US Survey 1474 Tract A. The request was filed by Sherri Blankenship and Justin Peeler. The owners of record were Adam and Kris Chinalski. Motion passed 5-0 by voice vote.

M-Alderson/S-Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

D [CUP 22-19](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 101 Finn Alley in the R-1 single-family and duplex residential district. The property is also known as Lot 21-A, Block 13, US Survey 1474 Tract A. The request is filed by Richard Forst. The owner of record is Richard Forst.

Ainslie said the property had a single-family home that was approximately 1100 square feet with three bedrooms and two bathrooms. The property had been previously permitted as a short-term rental in 2019 but had lapsed so the applicant was reapplying. There were two other short-term rentals at neighboring properties. There was a large driveway on the lot with at least two off-street parking spaces. Access to the property could be tricky as Finn Alley was a one-way street. Renters were instructed to take Lincoln Street to Barlow Street, and Barlow Street to Finn Alley. In terms of noise and odor impacts, the renter handout stated that quiet hours would be between 9PM and 8AM and also provided instruction on trash disposal. Staff recommended approval.

The applicant, Richard Forst came forward. Forst said that the property had been in use as a rental for the last several years - most recently, Youth Advocates of Sitka had used it for temporary housing with tenants staying for a few weeks at a time, so the conversion to a short-term rental should not be noticeable to the neighborhood. Forst also noted that Finn Alley was appropriately signed as a one-way street, and motorists should be able to follow the signage.

Ainslie read two letters that had been submitted as public comment. The first was from Rebecca Poulson and Eric Dow, property owners at 107 Jeff Davis Street. Poulson and Dow stated that there would be negative impacts as a result of granting the permit including traffic impacts from more vehicles on narrow, residential streets (as well as the potential for confusion with the one-way direction on Finn Alley), community-wide housing affordability and availability, and negative changes to the character of the neighborhood resulting from increasing the short-term rental density. The other letter was from Mike Trainor at 105 Barlow Street stating that he did not oppose the

application.

Commissioners discussed their concern for short-term rental density in this neighborhood. Spivey noted that the term "dark neighborhoods" had been coined to describe those that had high densities of short-term rentals, as they could have long periods of vacancy and non-use which had implications for crime and public/property safety. Alderson's concerns about density spoke to the change in neighborhood character that can result from losing long-term renters or home owners residing in the neighborhood. Riley shared her concerns about the density, and also added that while signed, the one-way direction of Finn Alley was confusing and often violated by residents. While Windsor agreed that the density concern was valid, it was difficult to know what level of density was appropriate without a quantitative measure to apply. Commissioners asked Ainslie to pull the minutes of the 2019 approval to review the deliberation and vote.

Commissioners agreed to bring the applicant forward once again. Forst stated that he actively managed the property, particularly in the summer time; he was there several times a week to maintain the yard or anything else that needed attention. Forst felt this, along with presence of other property owners in the neighborhood, mitigated the safety concerns Spivey raised. Forst was once again excused.

Ainslie displayed the minutes from the 2019 approval; there had been similar discussion regarding Finn Alley as a one-way street as well as the density of short-term rentals in the area. The commission at the time approved the request 4-0.

M-Mudry/S-Windsor moved to approve the conditional use permit for a short-term rental at 101 Finn Alley in the R-1 single family and duplex residential district subject to the attached conditions of approval. The property was also known as Lot 21-A, Block 13, US Survey 1474 Tract A. The request was filed by Richard Forst. The owner of record was Richard Forst. Motion passed 3-2 by voice vote.

M-Mudry/S-Windsor moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 3-2 by voice vote.

E [P 22-04](#)

Public hearing and consideration of a conceptual plat for a minor subdivision to result in two lots at 728 Indian River Road in the R-2 MHP multifamily/mobile home district. The property is also known as Lot 10, Indian River Land Subdivision. The request is filed by Brett Haavig. The owners of record are Brett Haavig and Amanda Johnson.

Ainslie explained that the applicant had opted for this optional concept review of the proposed minor subdivision in order to gauge the Commission's view of the proposal before investing in surveying. Ainslie also explained that while the Commission could make a motion, it was not required nor would it necessarily bind a decision on the future approvals; if the applicant elected to continue forward with the proposal after this hearing, a platting variance, preliminary plat review, and final plat review would all come back before the Commission. The proposal was very similar to a small lot subdivision approved in 2021 and now under development for a lot in the same subdivision as this property. The lot was 9,600 square feet in size and the subdivision would result in two equally sized small lots of 4,800 square feet. At the time, the lot was flat, undeveloped, and its whole frontage made contact with Indian River Road, a municipally maintained

right-of-way with municipal utilities. When the lot was originally created as part of the Indian River Land Subdivision, the minimum lot size in the R-2 MHP zoning district was 8,000 square feet and the properties were designed to accommodate single family homes, zero lot lines, or multifamily homes up to triplexes. When the zoning code development standards were amended in 2019 and the minimum lot size became 6,000 square feet, the lots in this subdivision could now accommodate single family homes, zero lot lines, or multifamily homes up to five-plexes. The subdivision of these lots result in a maximum of a four dwelling units - a duplex on both sides. Ultimately, between setbacks, parking requirements, and market demands, it was most likely that each side would be developed with single family homes. Ainslie concluded that while Sitka was still in the early stages of exploring small lot subdivisions, this area was ideal given the topography, ease of access, and capacity/accessibility of utility infrastructure. Staff recommended approval.

The applicant, Brett Haavig came forward. Haavig stated that he was most interested in developing both sides with single-family homes. Windsor asked to review photos taken of the other small lot subdivision under development and inquired where the property line sat in the photos. Ainslie noted the approximate location, and also noted that Haavig's lot would be easier to develop than the lots currently under development, as the latter were subject to a large conservation/drainage easement at their rears that Haavigs lot was not. There was consensus among Commissioners for support of the proposal, no motion was made.

VIII. ADJOURNMENT

Seeing no objections, Chair Spivey adjourned the meeting at 7:55 PM.