

**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
October 20, 2015**

**Present:** Chris Spivey (Chair), Darrell Windsor (Vice-Chair), Richard Parmelee (Member), Debra Pohlman (Member), Maegan Bosak (PCDD), Samantha Pierson (Planner I)  
**Note:** Vice-Chair Windsor arrived at 7:05 p.m.

**Absent:** Randy Hughey (Member) - Excused

**Members of the Public:** Dave Hardy, Mark Gorman (Municipal Administrator), Dawn Menendez, Peter Menendez, Denise Turley, Michael Tisher, Bruce Parker

Chair Spivey called the meeting to order at 7:02 p.m.

**Roll Call:**

**PRESENT:** 4 – Spivey, Windsor (arrived at 7:05 p.m.), Parmelee, Pohlman

**Consideration of the Minutes from the October 6, 2015 meeting:**

**MOTION: M/S PARMELEE/POHLMAN** moved to approve the meeting minutes for October 6, 2015.

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

**The evening business:**

**DISCUSSION  
NATURAL HAZARD LETTER  
DAVE HARDY**

*Discussion of natural hazard letter submitted by Dave Hardy.*

**COMMISSIONER DELIBERATION:** Chair Spivey stated that the commission's focus should be on future planning. Parmelee discussed developing guidelines for the Commission to use, decreasing likelihood of disasters in the future. Pohlman stated that she has not heard feedback on the recent studies, and asked about landslide predictability. Bosak stated that the taskforce data would become available when it is processed into a useful format. Spivey stated that policy cannot be made before comprehensible data is studied. Spivey stated that the letter brought up many important questions and concerns, but those cannot be answered until data is studied. Parmelee stated that he was interested in hazard mapping for a diverse variety of possible hazards. Bosak replied that the Planning Commission currently uses flood mapping when making decisions. Bosak stated that a priority for the city is clearing Kramer Avenue, and the city must follow the state's guidelines. Commissioners stated interest in understanding how

hazard areas are determined and classified.

**APPLICANT:** Dave Hardy thanked the Commission for reading and discussing his letter. He stated that the Sitka Coastal Management Program provides municipal standards for approving projects. Hardy explained that municipal coastal management plans have been changed or eliminated over the course of several governorships. Hardy encouraged the formulation of enforceable policies in response to the data. Hardy encouraged the survey of elder Sitkans to gain information about historical landslides. Hardy stated and Bosak agreed that safety is the top priority.

**PUBLIC COMMENT:** Municipal Administrator Mark Gorman reported that predictability is problematic. Gorman stated that the city is seeking geotechnical consultant services. The group hosted by the Sitka Sound Science Center is not directly advising the city, so the city must pay for those consulting services. Gorman stated that the process will not move quickly because a lot of information needs to be collected, but he intends to ensure a transparent process.

**FINAL ANNUAL REVIEW OF AN APPROVED CONDITIONAL USE PERMIT  
506 FIRST STREET, LOT 1 H&P SUBDIVISION  
DAWN MENENDEZ**

*Public hearing and annual review of an approved conditional use permit for a daycare at 506 First Street. The property is also known as Lot 1 H&P Subdivision. The request is filed by Dawn Menendez. Owner of record is Joanna Giglia and Dawn and Peter Menendez.*

**STAFF REPORT:** Bosak outlined the history of this Conditional Use Permit for a daycare. Bosak read the 13 conditions from the original approval in 2012, and the 2 conditions added at the 2013 review. The department has received no complaints since the previous annual review, and it has complied with the conditions. This is the final review, and the permit will only receive further review on an as-needed basis.

**APPLICANT:** Dawn and Peter Menendez provided an update. Dawn stated that nothing has changed about the daycare operations. Dawn stated that drop-off and pick-up have been running smoothly. She stated that she has a camera mounted in a window to provide monitoring of the parking spaces.

**PUBLIC COMMENT:** No public comment.

**COMMISSIONER DELIBERATION:** Windsor stated that he drove by the property and talked to a neighbor who was pleased with the state of the operation. Spivey stated that this case is proof that the public process works.

**ACTION:** Final annual review approved by consensus.

## **VARIANCE REQUEST**

**502 MONASTERY STREET, LOTS 11A AND 15, BLOCK 3, NORTH ADDITION, U.S. SURVEY 2865**

**DENISE TURLEY**

*Public hearing and consideration of a variance request filed by Denise Turley for 502 Monastery Street. The variance request is for a reduction in the front setback from 20 feet to 3 feet, and the side setback from 8 feet to 3 feet for the construction of two carports. The property is also known as Lots 11A and 15, Block 3, North Addition, U.S. Survey 2865. The request is filed by Denise Turley. The owner of record is Denise Turley.*

**STAFF REPORT:** Bosak described the property's unique shape and zoning requirements. The request is for a front variance and a side variance to build two carports. Bosak stated concern for congestion and visibility as Monastery is a narrow road and the neighborhood's lots are small. The carports would improve the property. Staff is in favor of a reduced setback request. Bosak stated that the office has received no neighbor comments.

**APPLICANT:** Denise Turley explained that she wants to build the two carports to keep her vehicles from rusting. She stated that the front variance request would result in a carport being directly in line with her fence. Her plan is to build the front carport soon, and the side carport in a few months. She stated that a neighbor has a front porch which encroaches on the front setback. Turley stated that she planned open-sided structures.

**COMMISSIONER DELIBERATION:** Pohlman requested to clarify the definition of a carport. Spivey requested information on the lot's coverage. Bosak stated that if the variances were permitted and built, the property would have 32% building coverage, which is less than the maximum building coverage is 35%. Spivey stated that he is generally not favorable to front setback variances. Spivey stated concern with visibility, setting a precedent for the neighborhood, and potential alterations by future property owners. Pohlman stated that this property has more space available to pedestrians walking on Monastery than other nearby properties.

**PUBLIC COMMENT:** No public comment.

**MOTION: M/S PARMELEE/POHLMAN:** moved to approve the following findings and staff recommendations, and to approve a variance request filed by Denise Turley for 502 Monastery Street. The variance request is for a side setback reduction from 8 feet to 3 feet for the construction of a carport. The property is also known as Lots 11A and 15, Block 3, North Addition, U.S. Survey 2865. The request is filed by Denise Turley. The owner of record is Denise Turley.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically the lack of an existing garage and lot orientation;

- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel; specifically the ability protect vehicles from the elements;
- c) 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; specifically conditions of approval mitigate any potential negative impacts
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan. Specifically, it is in line with Comprehensive Plan 2.4.1, which states, “*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 3-1** on a voice vote.

**MINOR SUBDIVISION  
213 PRICE STREET, LOT 1 OF MICK’S SUBDIVISION, U.S. SURVEY 3695  
MICHAEL TISHER**

*Public hearing and consideration of a minor subdivision at 213 Price Street. The subdivision would create two lots. The property is also known as Lot 1 of Mick’s Subdivision, U.S. Survey 3695. The request is filed by Michael Tisher. The owner of record is Michael Tisher.*

Chair Spivey offered to recuse himself due to his professional relationship with Mr. Tisher. He stated that he did not have financial interest in this application, and that he could act in an unbiased manner. The other Commissioners agreed that he could participate.

**STAFF REPORT:** Bosak explained the previous minor subdivision which created this lot in 2013. This minor subdivision would result in two lots. Bosak stated that there is a demand for properties zoned Industrial.

**APPLICANT:** Michael Tisher stated that he was interested in the minor subdivision so that he could sell some of the property. He stated that he didn’t have interest in further subdivision, as his shop sits on proposed lot 1A.

**PUBLIC COMMENT:** Neighbor Bruce Parker stated that he was in support of the subdivision. He asked how many more times the property can be subdivided. Bosak answered that the minimum lot requirement in the Industrial zone is 15,000 square feet.

**COMMISSIONER DELIBERATION:** Commissioners discussed that noise and traffic are to be expected in the Industrial zone.

**MOTION: M/S POHLMAN/WINDSOR** moved to adopt Staff’s oral findings that it conformed with the SGC, Comprehensive Plan, did not adversely impact the public,

health, safety and welfare and recommend approval of the concept plat of a minor subdivision at 213 Price Street on the conditions of corrected street name and lot dimensions. The property is also known as Lot 1 of Mick's Subdivision, U.S. Survey 3695. The request is filed by Michael Tisher. The owner of record is Michael Tisher.

**ACTION:** Motion **PASSED unanimously 4-0** on a voice vote.

**DIRECTORS REPORT:** Bosak reported that the Zoning Text Change concerning Conditional Use Permits was approved by the Assembly 7-0 in its first reading. The matter will require one more vote by the Assembly. Bosak reported that the November 17 meeting is cancelled due to staff traveling for the Alaska Planning Association's meeting. The November 3 meeting will include the Dodson minor subdivision. Bosak stated that she did not know of any applications for Parmelee's commission seat.

**PUBLIC COMMENT:** No public comment.

**MOTION: M/S PARMELEE/POHLMAN** moved to adjourn at 8:25 pm.

**ACTION:** Motion **PASSED unanimously 4-0** on a voice vote.

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**Chris Spivey, Chair**

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**Samantha Pierson, Secretary**