



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## Planning and Community Development Department

### **AGENDA ITEM**

Case No: CUP 25-12  
Proposal: Request for Food Truck  
Applicant: Ashley McNamee (Ashmo's)  
Owner: Drew Wilson  
Location: 328 Lincoln Street  
Legal: Lot One (1), Columbia Bar Subdivision  
Zone: CBD - Central Business District  
Size: 6,249 Square feet  
Parcel ID: 1-0325-00  
Existing Use: Vacant Building, Food Truck (Thai Alaska Kitchen, CUP 24-12)  
Adjacent Use: Retail, Arcade, Bank, Public Library, Harrigan Centennial Hall  
Utilities: Existing  
Access: Harbor Drive

### **KEY POINTS AND CONCERNS**

- Proposed food truck for serving food.
- Truck will be connected to city power.
- Located in the CBD zone on private property.
- Serving Alaskan seafood.

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Plat  
Attachment C: Floor and Site Plan  
Attachment D: Photos  
Attachment E: Menu  
Attachment F: Applicant Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is requesting a conditional use permit (CUP) for operations of an 25' x 8' food truck at 328 Lincoln Street. This is a vacant building with a private parking lot that currently has another food truck, Thai Alaska Kitchen, located on the east side of the property next to Yellow Jersey. Proposed hours of operation are from 11 a.m. to 4p.m., six days a week.

Footnote 8 to SGC Table 22.16.015-6, "Retail and Business Uses" has the follow provisions for temporary structures/food vending in the Central Business District (CBD): *"Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses."*

The interpretation and application of this code provision has been to consistently require CUPs for food trucks or food trailers from which food is prepared and/or served from the inside of the unit, operating on private property in the CBD. This is differentiated from food carts which one stands behind to prepare and serve food from; this is a permitted use on private property in the CBD.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** Minimal potential increase, moderate to high traffic is expected in the CBD.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Minimal potential increase by customers of the food truck, however this is already a high customer/pedestrian use area which is to be expected in the CBD. The hours may add more noise/activity to the area than currently exists at these hours. There is no proposed use of a generator except in the case of a power outage. The food truck will be connected to city power.

**c. Odors to be generated by the use and their impacts:** Some odors are expected as food will be prepared in the truck. Cooking fumes will pass through hood ventilation and a filtration system. Orders are expected in the CBD. The property owner is providing a dumpster for trash and there will also be a trash can next to the food truck. The applicant has an awning and standing tables, providing customers a place to eat which will help ensure trash is disposed of properly.

**d. Hours of operation:** 11 a.m. to 4p.m., six days a week.

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<sup>1</sup> § 22.24.010.E

**e. Location along a major or collector street:** The building fronts Lincoln Street, but all food truck activity will be in the back parking lot where access is from Harbor Drive, a state-maintained right-of-way.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** There are multiple routes to the downtown area, some of which go through residential areas. It is expected that most people will use Harbor Drive.

**g. Effects on vehicular and pedestrian safety:** There may be more pedestrians in this area as a result of a food truck. There are sidewalks in this area on both sides of Harbor Drive. Further, the placement of the food truck inside a private parking lot gets pedestrians out of the right-of-way and into a safer area to form a queue.

Staff has suggested the applicant work with the property owner to manage traffic in and out of the parking lot to avoid impacts to pedestrians queuing in lines for food. Potential “do not enter” signs during business hours or other solutions will help protect pedestrian safety.

There has also been tremendous concern from the public with congestion downtown on large cruise passenger days and the resulting impacts to pedestrian safety. Of main concern in this area are the pedestrians who jaywalk across Harbor Drive from Harrigan Centennial Hall. CBS has been working with the State of Alaska Department of Transportation to address pedestrian safety issues along Harbor Drive and is actively recruiting pedestrian safety attendants to guide traffic and monitoring pedestrian and vehicular movement downtown area on days with significant cruise ship visitation.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Site is accessible for police, fire and EMS response.

**i. Logic of the internal traffic layout:** The food truck will be moved daily but will be positioned parallel to the unnamed one-way alley which is also used by First National Bank of Alaska for their drive-up window. Staff has advised the applicant to place the food truck closer to 322 Lincoln Street to maintain visibility of pedestrians who may walk through the alley and vehicles using the bank drive-through and parking lot. Anticipated customers will be locals and tourists. On-street parking will be available; there are no off-street parking requirements in the central business district.

**j. Effects of signage on nearby uses:** No additional signage is proposed. The food truck is branded with the business name/company logo on the side of the truck. All signs shall comply with Sitka General Code.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Adjacent to other buildings. High density and commercial use is expected in the CBD.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to the chapter of Economic Development that

supports local businesses, attracts new sustainable businesses, and supports effort and enterprises that keep residents' money "local" and ED 6.5, "*support growth of Sitka's independent, cruise-related, and heritage tourism work and enterprises.*"

**m. Other criteria that surface through public comments or planning commission review:** None at this time.

### **RECOMMENDATION**

Staff recommends approval of the conditional use permit for a food truck at 328 Lincoln Street subject to the attached conditions of approval; it may be prudent to have discussion given the levels of concerns for pedestrian safety in this area and access of vehicles to the property. Modifications to the permit or conditions of approval may be considered if the Commission feels it is necessary.

### **CONDITIONS OF APPROVAL**

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times when the conditional use permit is utilized.
2. Operations shall not obstruct safe pedestrian paths within the parking lot or sidewalk.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
5. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.
6. The applicant shall receive approval from the local Fire Marshal to ensure the food truck meets safety requirements.

### **MOTIONS IN FAVOR OF APPROVAL**

1. **"I move to approve the conditional use permit for a food truck at 328 Lincoln Street in the Central Business District, subject to the attached conditions of approval. The property is also known as Lot One (1), Columbia Bar Subdivision. The request is filed by Ashley McNamee (Ashmo's). The owner of record is Drew Wilson."**
2. **"I move to adopt and approve the required findings for conditional use permits as listed in the staff report."**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:<sup>2</sup>

1. The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare;
  - b. Adversely affect the established character of the surrounding vicinity; nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the

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<sup>2</sup> §22.30.160(C)—Required Findings for Conditional Use Permits

site upon which the proposed use is to be located; *because the proposed use is consistent with the intent of the zoning district, character of the surrounding area, and alike to multiple other food service operations in the area.*

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation; *because it promotes economic development by providing an opportunity for entrepreneurship, supports local business, and promotes locally made products.* It's also compatible to ED 6.5, "support growth of Sitka's independent, cruise-related, and heritage tourism work and enterprises."
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *conditions can be enforced through State and municipal permitting requirements, municipal code, and conditions provide a means of redress through the Planning Commission.*
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard; *because the proposed use is similar to and consistent with existing uses in the area. Other safety concerns such as food and fire safety are addressed through other permitting processes.*
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services; *there are adequate public facilities such as utilities and streets in the area that can support the additional use.*
6. Burden of proof; *the applicant has met the burden of proof to demonstrate that the use is appropriate for the zoning district, the character of the neighborhood, and not hazardous or detrimental to the surrounding area.*