



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 23-16
Proposal: Request for Food Truck
Applicant: Graig Rofkar
Owner: Stan Filler
Location: 130 Lincon Street
Legal: Lot 2A Ernie's Subdivision
Zone: CBD - Central Business District
Size: 7,749 Square feet
Parcel ID: 1-0045-00
Existing Use: Bar
Adjacent Use: Retail, hotel, food vending
Utilities: Existing
Access: Harbor Drive, Lincoln Street

KEY POINTS AND CONCERNS

- Proposed food truck for vending pre-prepared foods
- Menu includes bagels
- Located in the CBD zone on private property

ATTACHMENTS

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

BACKGROUND/PROJECT DESCRIPTION

The applicant is requesting a CUP for operations of an 8'x16' food truck at 130 Lincoln Street, behind Ernie's bar. This location has become a popular site for food vending which currently hosts The Fresh Fish, Taco Loco and a pop-up Crab tent. Proposed hours of operation will be 10 AM – 4 PM. The truck will be stationary in the lot adjacent to Harbor Drive. Anticipated customers are tourists and locals alike primarily by foot traffic. Parking is available in the adjacent parking lot. No generator will be used as all food items will be cooked at off-site. The applicant already has an established business located at 143 Price Street where all baking and preparations will take place. The food items to be offered are freshly made bagels with options of schmear and lox, drinks, and sides.

Footnote 8 to SGC Table 22.16.015-6, "Retail and Business Uses" has the follow provisions for temporary structures/food vending in the 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 consistent in requiring 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.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: None, truck largely stays stationary in parked location, minimally impacting traffic. Moderate traffic is expected in this location.

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. There will be no additional noise from the truck as no cooking operations will be taking place and no generator used.

c. Odors to be generated by the use and their impacts: None, food is prepared off site.

d. Hours of operation: 10 AM to 4 PM.

¹ § 22.24.010.E

e. Location along a major or collector street: Accessed from Harbor Drive and Lincoln Street, municipally maintained rights-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 is a pedestrian alley way between 124 and 130 Lincoln Street but no vehicular cut-through scenarios.

g. Effects on vehicular and pedestrian safety: Minimal, this is already a high customer/pedestrian use area.

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: Pedestrian access only. Vehicle access on Harbor Way and the parking lot is adjacent.

j. Effects of signage on nearby uses: Signage will be on the side of the food truck.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Adjacent to other buildings and large parking lot. 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".

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

RECOMMENDATION

Staff recommends approval of this request.

CONDITIONS OF APPROVAL

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times that 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 cart meets safety requirements.

MOTIONS IN FAVOR OF APPROVAL

- 1. “I move to approve the conditional use permit for a food truck at 130 Lincoln Street in the Central Business District, subject to the attached conditions of approval. The property is also known as Lot 2A, Ernie’s Subdivision. The request is filed by Graig Rofkar. The owner of record is Stan Filler.”**
- 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:²

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 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.*
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 use of the site and does not introduce additional hazards. 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.*

² §22.30.160(C)—Required Findings for Conditional Use Permits