



# City and Borough of Sitka

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*A Coast Guard City*

## **Planning and Community Development Department**

### **AGENDA ITEM:**

Case No: CUP 19-08  
Proposal: Request for eating and drinking place  
Applicant: Colin Flanagan  
Owner: City and Borough of Sitka  
Location: 4639 Sawmill Creek Road (Fortress of the Bear)  
Legal: Lot 2, Block 3, Sawmill Cove Industrial Park Resubdivision No. 1  
Zone: GP - Gary Paxton Special Zone  
Parcel ID: 6-7000-200  
Existing Use: Animal sanctuary, visitor attraction  
Adjacent Use: Industrial/Commercial  
Utilities: Existing  
Access: Sawmill Creek Road

### **KEY POINTS AND CONCERNS:**

- Proposed concession stand for vending of packaged and cooked food
- Located in the GPIIP zoning district at a frequented visitor attraction
- Will require approval from DEC and local Fire Marshall

### **ATTACHMENTS**

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

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a concession stand at Fortress of the Bear. The kiosk would be located next to the main office. Proposed hours of operation are 9am-3pm on cruise ship days. Anticipated customers are tourists and workers from Fortress of the Bear and Silver Bay Seafoods. The kiosk is approximately 7'x 9'x10'. The proposed menu would primarily serve pre-packaged foods as well as hot dogs and popcorn.

## **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:**

Most customers are expected to be visitors to the Fortress of the Bear, or workers in nearby buildings. Many visitors are brought in by bus – no major increase in vehicular traffic is expected as a result of the proposal. Nearby workers may need to cross the road. Visibility is generally good along the road to facilitate safe crossing. Some nearby parking is available at the Fortress of the Bear and the Blue Lake trailhead.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Expected to utilize power from Fortress of the Bear, minimal noise expected.

**c. Odors to be generated by the use and their impacts:** Cooking of food will result in some odors.

**d. Hours of operation:** Typical hours of operation 9am-3pm on cruise ship days from May to September.

**e. Location along a major or collector street:** Access from Sawmill Creek Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No cut-through concerns for traffic; site is only accessible from Sawmill Creek Road.

**g. Effects on vehicular and pedestrian safety:** Parking is available nearby, and kiosk will likely attract customers already in the area, either bussed in or working nearby. Minimal impact expected.

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<sup>1</sup> § 22.24.010.E

**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:** Site regularly handles visitor bus and foot traffic, kiosk will be next to main office.

**j. Effects of signage on nearby uses:** None.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Large structures, fencing, and vegetation on site.

**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 on Economic Development that supports promoting new entrepreneurial business, supporting the local tourism markets and also locals, while helping to bring more outside money in, and keeping more local money local.

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

### **RECOMMENDATION**

The Planning Department recommends that the Planning Commission approve the conditional use permit request for an eating and drinking place at 4639 Sawmill Creek Road subject to conditions of approval.

### **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.
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 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 is also known as Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by Colin Flanagan. The owner of record is City and Borough of Sitka.”**
- 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 city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that 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.
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,
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
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.
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.
6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

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