

Step 1: Convene.

I MOVE TO convene as the Board of Adjustment

Step 2.

I MOVE TO approve a conditional use permit request for operation of an outdoor restaurant/portable structure at 200 Lincoln Street filed by Ayla Stromquist, and further, adopt the conditions and findings as recommended by the Planning Commission and request that they are listed in their entirety as they appear attached hereto as part of the official record.

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Required Findings

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, specifically the business will add to the downtown area and eating options in Sitka;
 - c. Nor 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; specifically that the late hours are an inconvenience to some residential renters but should not stop a commercial use which is primary to the Central Business District.
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; specifically 2.5.2 To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; specifically with reference to the condition that the planning commission can call a public hearing to mitigate concerns.
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, specifically that the food stand is heating up pre-cooked food, and complies with all DEC requirements.
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.

The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements; specifically that the CBD is intended to have commercial activity and this request is in line with other businesses such as bars and restaurants which have late hours in the same area.
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Conditions

1. The facility shall be operated consistent with the application and plans that were submitted with the request including the location.
2. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first year of operation for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
3. Failure to comply with any of the conditions may result in revocation of the conditional use permit.
4. Must gain all necessary agency permits.
5. Must have on site a 5-lb ABC-rated fire extinguisher.
6. Will build a sound-muffling box over the generator.

Step 3.

SGC: 22.30.180 Procedures for Public Hearing

- A. Staff Presentation.** *Members may ask questions of the staff.*
- B. Applicant presentation.** *Members may ask questions of the applicant.*
- C. Testimony or comments by the public.** *Need to be germane to the matter*
- D. Rebuttal, response or clarifying statement by staff and the applicant.**

E. Deliberation by the Board. *Also known as the evidentiary portion of the public hearing and is closed.*

Step 4:

VOTE on any amendments and/or main motion

Step 5: reconvene.

I MOVE TO reconvene as the Assembly in regular session