



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 26-10
Proposal: Request for Food Trailer
Applicant: John Emmi
Owner: Scojo, LLC
Location: 330 Seward Street
Legal: Lot One (1), Shee Atika Subdivision
Zone: CBD - Central Business District
Size: 37,457 Square feet
Parcel ID: 1-0860-000
Existing Use: Hotel and Restaurant, CUP 23-12 (Red Herring Food Truck)
Adjacent Use: Retail, Moose Lodge
Utilities: Existing
Access: Seward Street, Lake Street, Lincoln Street

KEY POINTS AND CONCERNS

- Food trailer will be used as a kitchen extension for the Cold Water Bar and Grill Restaurant located within the Southeast Resort
- CUP 23-12, Red Herring Food Truck located in parking lot
- Additional food carts located in parking lot (Jessy's Uptown Dogs, Blanco Burgers, Popcorn Ernie)

ATTACHMENTS

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

BACKGROUND/PROJECT DESCRIPTION

The applicant is requesting a conditional use permit (CUP) for operation of a 20' x 8' food trailer at 330 Seward Street. This food trailer will be used as a kitchen extension for the Cold Water Bar and Grill Restaurant. This food trailer will not serve guest directly from the window but will provide a location to keep food warm for the downstairs restaurant. This property currently has a hotel and restaurant with a food truck, Red Herring (CUP 23-12), and several food carts located in the parking lot. Proposed hours of operation are from 10:30 a.m. to 9:30 p.m., seven 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.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Minimal increase is expected as the food trailer will be providing food to the restaurant in the hotel. Moderate to high levels of traffic are expected in the CBD.

b. Amount of noise to be generated and its impacts on surrounding land use: Some additional noise from customers expected, however this is already a high customer/pedestrian use area which is to be expected in the CBD. The proposed business hours are consistent with many businesses currently in the area. The food trailer will be connected to municipal power, eliminating the need for (and noise of) a generator.

c. Odors to be generated by the use and their impacts: Some odors are expected from food preparation. The food trailer will be used as a kitchen extension for the Cold Water Bar and Grill Restaurant. Most food will be prepared in the kitchen inside of the hotel and kept warm in the trailer before serving guests in the downstairs restaurant. Food/cooking odors are expected in the CBD.

d. Hours of operation: 10:30 a.m. to 9:30 p.m., seven days a week

¹ § 22.24.010.E

e. Location along a major or collector street: The building fronts Seward Street, Lake Street and Lincon Street as it is a corner lot. All food trailer activity will be in the parking lot where access is from Lincon Street, a municipal 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 Lincoln Street or Seward Street.

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

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 trailer will be positioned perpendicular to Southeast Resort. There will be servers who run the food from the trailer and to the downstairs restaurant. Red Herring's food truck will then be placed parallel to Lincoln Street with customers queuing within the parking lot. There are additional food carts located in parking lot (Jessy's Uptown Dogs, Blanco Burgers, Popcorn Ernie), these will be located near the Moose Lodge. On-street parking will be available; there are no off-street parking requirements in the central business district. No deliveries will be scheduled between the hours of 10:00 a.m. and 3:30 p.m. to ensure safety within the parking lot and to ensure the loading bay is clear for deliveries.

j. Effects of signage on nearby uses: No additional signage is proposed. The food trailer will be branded with the business name/company logo on the side of the trailer. 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. The applicant has proposed a fence to secure the outside eating and drinking area for AMCO requirements. 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.

RECOMMENDATION

Staff recommends approval of the conditional use permit for a food trailer at 330 Seward Street subject to the attached 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 when the conditional use permit is utilized.
2. The applicant shall receive approval from the local Fire Marshal to ensure the food trailer meets safety requirements.
3. Operations shall not obstruct safe pedestrian paths within the lot or sidewalk.
4. The food trailer shall be located per SGC 22.20-1, 16 which requires a five-foot setback to any property lines abutting a public street, alley, or deed access easement.
5. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
6. 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.
7. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.

MOTIONS IN FAVOR OF APPROVAL

1. **“I move to approve the conditional use permit for a food trailer at 330 Seward Street in the Central Business District, subject to the attached conditions of approval. The property is also known as Lot One (1), Shee Atika Subdivision. The request is filed by John Emmi. The owner of record is Scojo, LLC.”**
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.* It’s also

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

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.*