



CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
September 6, 2018

I. CALL TO ORDER

Chair Chris Spivey called the meeting to order at 7:00 p.m.

Present: Chris Spivey, Darrell Windsor, and Taylor Colvin; Randy Hughey absent and excused

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

Moved/Seconded Darrell Windsor/Taylor Colvin to approve the minutes of July 26 and August 2, 2018. **Motion Carried 3-0.**

IV. PERSONS TO BE HEARD

None.

V. PLANNING DIRECTOR'S REPORT

Acting Planning Director Maegan Bosak reported her Planning Office schedule for the interim, and the progress in the search for a new Planning Director and the scheduling of the Green Leaf site visit that had been postponed from August 30. The Planning Commission rescheduled the site visit to Saturday, October 6 at 12 noon. Ms. Bosak reported on the preliminary September 27 Planning Commission agenda, consisting of a platting variance that has been proposed.

VI. THE EVENING BUSINESS

C. Public hearing and consideration of a conditional use permit for a food cart at 104 Lake Street. The property is known as Lot 2, Block 2, and vacated portion of Lake Street ROW, USS 1479 (Tax ID 11155000, US S 1474). The applicant is Jessica Lien Lew. The owner of record is Ruth Ann Robinson.

Acting Planning Director Bosak described the request, which would be a 3.25' x 9.5' outdoor food cart on a privately owned lot, open 11 a.m. to 3 p.m. six to seven days a week; with no special parking requirements, as the proposed location is in the Central Business District. She reviewed the plat, site plan, and photos of the request.

Applicant Jessica Lew explained the food cart operations, which would be the summer season. Kitchen prep for the Asian fusion menu would be done in an inspected kitchen. She answered Commission questions on increased traffic and refuse, location, and opening.

No public comment.

M/S Darrell Windsor/Taylor Colvin to find that:

- A) 1. The granting of the proposed conditional use permit will not:
- Be detrimental to the public health, safety, and general welfare specifically, all public health and safety codes will be strictly applied according to state and city laws;
 - Adversely affect the established character of the surrounding vicinity specifically, it add an additional attractant to the visitor's center and is compatible with the surrounding land uses; 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, waste products will be handled in accordance with municipal utility programs;
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, 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.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint; and
- B) to approve the conditional use permit application for a food cart/outdoor restaurant at 104 Lake Street in the Central Business District. The property is known as Lot 2 Block 2, Tax ID, 11155000. The request is filed by Jessica Lien Lew. The owner of record is Ruth Ann Robinson.
- Motion Carried 3-0.**

M/S Darrell Windsor/Taylor Colvin to approve the Conditions of Approval:

- 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.
- Operations shall not obstruct safe sidewalk passage.
- The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
- The applicant and any operators shall enforce no illegal parking or stalling on-site or on Lake Street or Etolin Way.
- 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.
- Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.
- The owner shall sign the conditional use application and agree to be bound by these conditions of approval.
- No electrical generator shall be used to avoid noise, odor, fire, and exhaust impacts to public health and safety.
- The hours are from 11 a.m. to 3 p.m., plus special community events.

Motion Carried 3-0.

- D. Public hearing and consideration of what are the existing legal nonconforming uses and potential conditional uses for existing and prospective uses that are occurring or may occur at 505 Sawmill Creek Road. The property is known as Lots 10, 11, 12, and 13, Block 20, US Survey

1474. The request is filed by the Planning Director, Sam Pointer, and Keith Nyitray. The owner of record is the First Presbyterian Church.

Acting Planning Director Bosak reviewed the background and the reason for the discussion, and current uses of the property. She read a letter into record from citizen Erik Barht regarding nonconforming uses and the changing of those uses, citing Sitka General Code 22.24.050 (F); encouraging the Commission to hear the proposals as conditional use requests.

Community member Keith Nyitray of the Sitka Food Co-op stated the co-op proposal to manage the building included all operations currently run out of the building, with the addition of the Sitka Food Co-op returning to distribute out of the building, and the possible addition of a community garden. Chair of the Sitka Food Co-op James Swift thanked the Commission members for their time.

Resident Deuce Audette advocated for keeping the activity on the property at a low impact level; and expressed concern about gardening and composting in the neighborhood.

Keith Nyitray stated the Sitka Food Co-op has begun outreach in the church neighborhood; and shared they had received letters of approval from neighboring landowner Rebecca Peterman, Sitka Kitch, and the Sitka Local Foods Network.

Church Elder Jean Frank expressed concern over parking during food distribution.

The Commission discussed meaning of church. Planning Director Bosak quoted the definition from Sitka General Code, which lists religious worship or related activities. The Commission discussed administrative non-conforming permit – allowable reasonable expansion - for existing activities, and conditional use permitting for

M/S Darrell Windsor/Taylor Colvin to find that the current uses are to go through the administrative nonconforming use process and additional uses at the current location are to go through the conditional use process. **Motion Carried 3-0.**

E. Adjournment

The meeting was adjourned at 7:57 p.m.