

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: December 29, 2016

To: Planning Commission

From: Staff

Re: CU 16-03 Annual Review of a Non-Motorized Food Truck at 242 Katlian Avenue

GENERAL INFORMATION

Applicant: Karen Lucas

Property Owner: Karen Lucas

Property Address 242 Katlian Avenue

Legal Description: Lot 21, Block 1, Sitka Indian Village, US Survey 2542

Parcel ID Number: 1-6100-000

Size of Existing Lot: 3330 square feet

Zoning: Split – CBD in front, R-1 in rear

Existing Land Use: Undeveloped

Utilities: Full city services

Access: Katlian Avenue

Surrounding Land Use: Residential, Commercial, Public

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Parcel Pictures

Attachment E: Subdivision Plat

Attachment F: Approval

Attachment G: Mailing List

Permit Operations Update

Karen Lucas was issued a conditional use permit for a non-motorized food truck at 242 Katlian Avenue in 2016. At the original hearing, concerns were raised for smoke and parking issues. The permit was granted. Since the granting of the permit, the Planning Department has not received any complaints for the property. Conditions of approval stated that one-time Planning Commission review should occur after the first year of operation.

At the meeting we'll take any public comment and provide the opportunity for any commissioner questions. The primary objective of the meeting is to determine if there are steps that need to be taken to mitigate any effects of the non-motorized food truck on adjacent properties.

Recommendation

Move to approve the annual review of the conditional use permit granted to Karen Lucas for a non-motorized food truck at 242 Katlian Avenue. The property is also known as Lot 21, Block 1, Sitka Indian Village, US Survey 2542. The owner of record is Karen Lucas.

Ladies and Gentlemen of the Commission;

I was asked to write this letter in reference to New Creations Mobile Bistro as to who we are and what we are doing for the next year. As we know our business is a barbecue sandwich to go business. Our operating hours are from 11 AM to 6 PM Monday through Saturday and will begin again April 1 through the end of September. We are still growing and still trying to to the exact needs of Sitka people. We have complied with all ordinances and suggestions by the building commission zoning commission. And hope to grow this business better this year. Thank you for your time and consideration and have a good day.

Best Regards,

I Gary May



Karen Lucas
Conditional Use Permit Request - Food Truck
242 Katlian Avenue



City & Borough of Sitka, Alaska

Selected Parcel: 242 KATLIAN ID: 16100000

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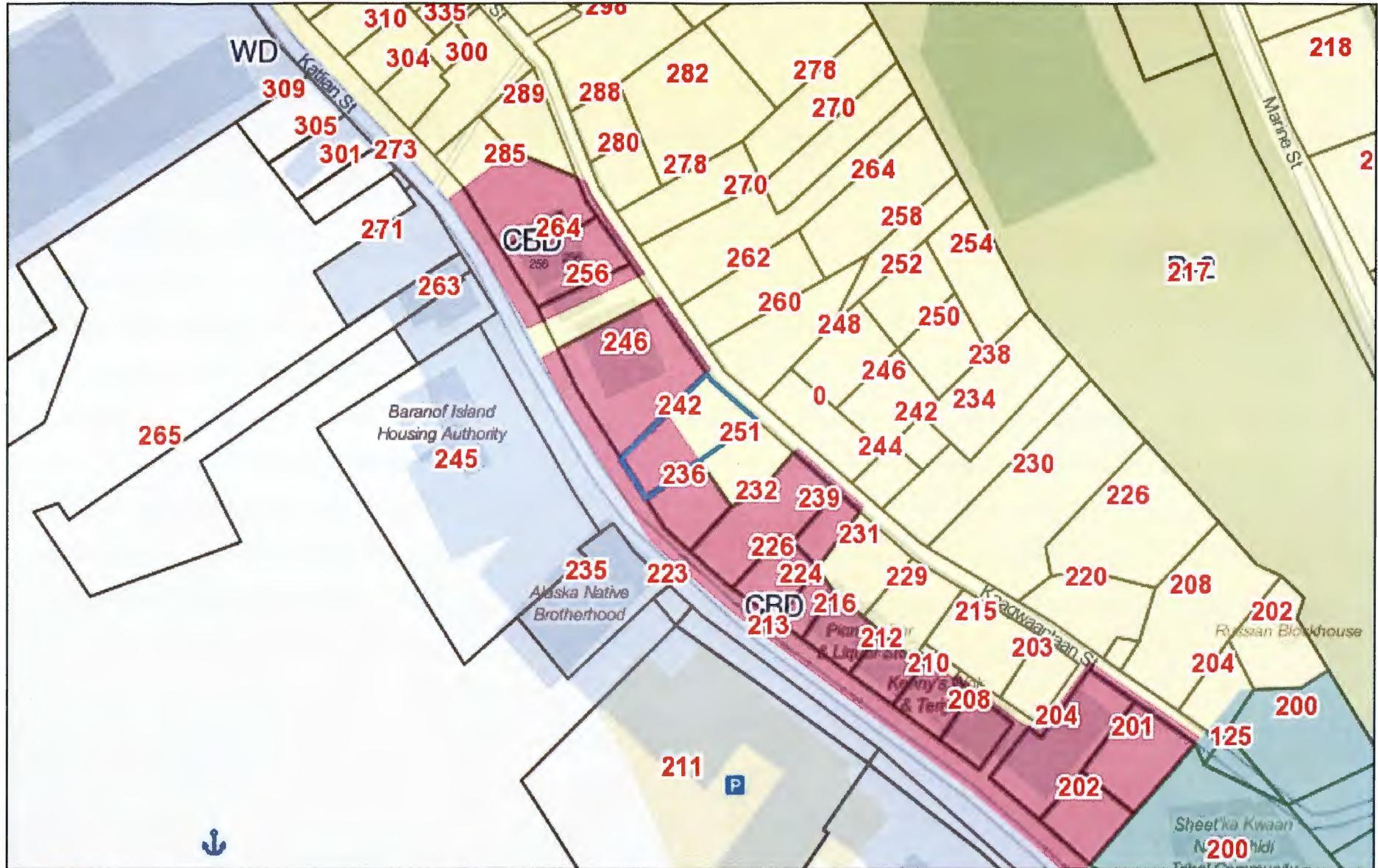
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Karen Lucas
Conditional Use Permit Request - Food Truck
242 Katlian Avenue



City & Borough of Sitka, Alaska

Selected Parcel: 242 KATLIAN ID: 16100000

Printed on 1/20/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



 MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

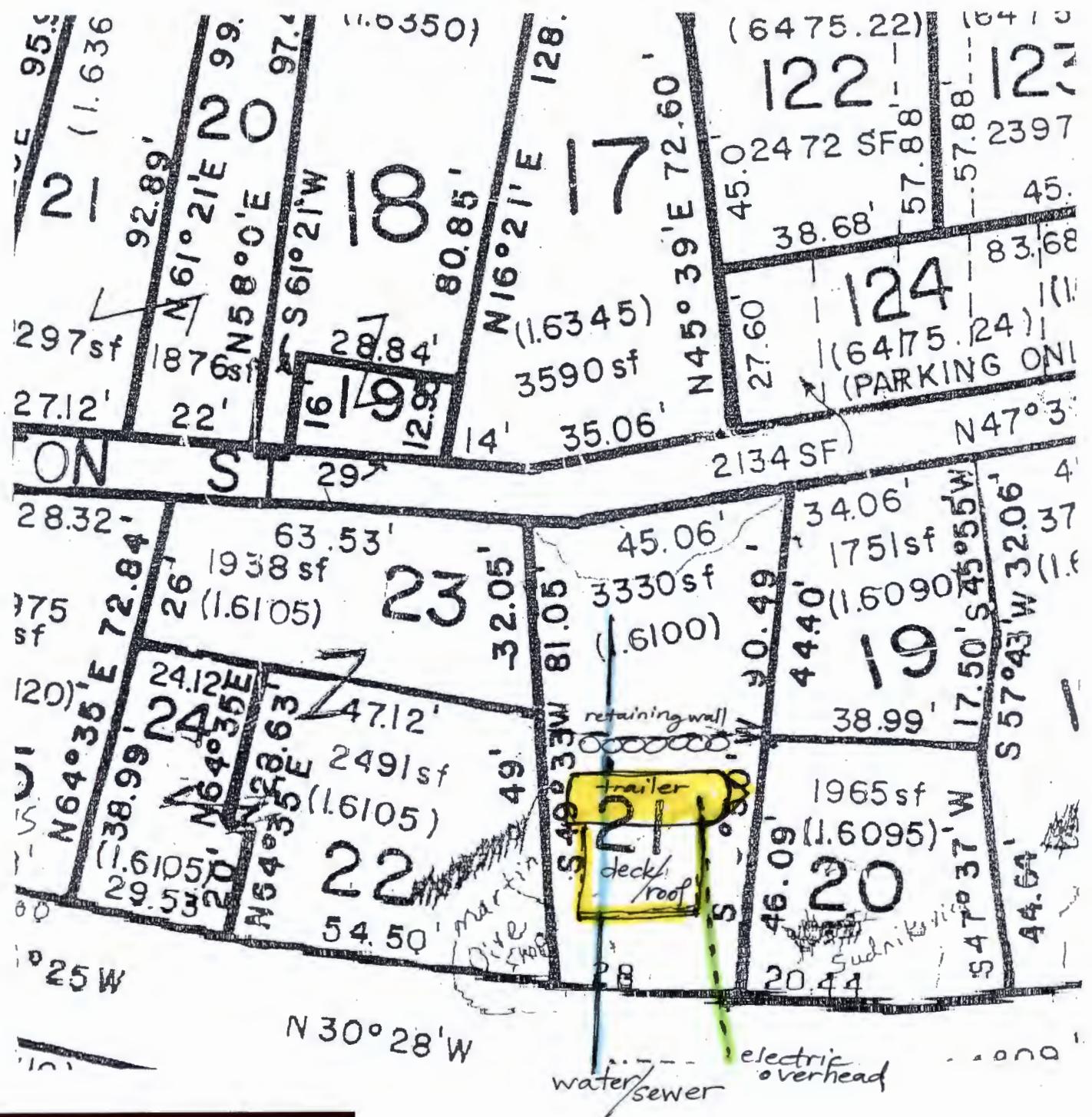
This map is for informational purposes only. It is not for appraisal of, description of, or con-

I responsibility for the information contained herein.

Karen Lucas
Conditional Use Permit Request - Food Truck
242 Katlian Avenue







Karen Lucas

**Conditional Use Permit Request - Food Truck
242 Katlian Avenue**

BEFORE THE PLANNING COMMISSION OF THE
CITY AND BOROUGH OF SITKA

IN THE MATTER OF THE CONDITIONAL USE)
PERMIT APPLICATION OF KAREN LUCAS)
FOR A YEAR-ROUND MOBILE NONMOTORIZED FOOD)
CART AT LOT 21 BLOCK 1 SITKA INDIAN VILLAGE)
US SURVEY 2542)

FINDINGS OF FACT AND DECISION

City and Borough of Sitka Planning Commission sat on February 2, 2016, pursuant to Sitka General Code (“SGC”) 22.30.050F, regarding a conditional use permit (“CUP”) application from Karen Lucas. The application was to request approval for a mobile non-mobilized food cart at Lot 21 Block 1 Sitka Indian Village US Survey 2542 in Sitka, Alaska.

Vice-Chair Windsor was absent.

After considering the record, hearing testimony, conducting a public hearing, and deliberating in accordance with applicable SGC provisions, The Planning Commission unanimously approved the CUP application by a 4-0 vote, and approved conditions and findings. *See Exhibit A – Planning Commission Minutes at pp 2-4.*

This Findings of Fact and Decision constitutes the final decision of the Planning Commission. Any appeal from this Findings of Fact and Decision must be filed with the Assembly within 10 days of this final decision, in accordance with SGC 22.30.220.

DATED at Sitka, Alaska, this 14 day of ^{April} March, 2016.


Chair Chris Spivey

ATTEST:


Samantha Pierson
Planner I

6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

CONDITIONAL USE PERMIT REQUEST
LOT 21, BLOCK 1, SITKA INDIAN VILLAGE, US SURVEY 2542
KAREN LUCAS

Public hearing and consideration of a conditional use permit request for a mobile non-motorized food cart at 242 Katlian Avenue. The property is also known as Lot 21, Block 1, Sitka Indian Village, US Survey 2542. The request is filed by Karen Lucas. The owner of record is Karen J. Lucas.

STAFF REPORT: Scarcelli described the property and the conditional use permit request. The proposal will use a mobile building in a permanent manner. The lot has split zoning, which occurred in 2011. The proposed cart would be situated on the Central Business District portion of the lot. The mobile nature of the structure triggers the conditional use permit process. Parking and traffic concerns should be discussed. The proposal requires Historic Preservation Commission review due to location.

APPLICANT: Karen Lucas stated that she was approached by Gary May about renting the lot, and Jim O'Brien will be doing the grading. Gary May stated that he has been a chef his whole life, and that he hopes to begin a culinary school across Katlian Avenue from this property. May stated that they plan to stabilize the trailer and build a covered deck. May stated that he plans to do breakfast and lunch, and will offer delivery. Lucas stated that they would connect to city utilities and do landscaping. Spivey asked Jim O'Brien about plans for drainage and runoff. O'Brien stated that they would address issues as they arise. Spivey asked about potential impacts to Kogwanton Street, and O'Brien stated that this project wouldn't impact the street. May stated that he plans to close daily by 4 PM, although that may change.

PUBLIC COMMENT: Gail Young of 250 Kogwanton supports the project, and stated that there is a spring in the rear of the lot. Dan Stockel of 246 Katlian stated concerns with parking, bathrooms, and the need for a connection between Katlian and Kogwanton when the existing trail becomes covered by the food cart. May stated that the staff will use the public restroom, and use the trailer's handwashing sink. May stated that he is building a storage facility at his home. Lucas stated that the city buried a spring in the vicinity, causing some drainage issues in the area. Lucas stated that tribal officials will be present when grading occurs. Scott Saline stated that the city created drainage issues in this vicinity. Jennifer Alley stated support for the project.

COMMISSIONER DELIBERATION: Hughey stated that requiring on-site parking would reduce safety. Parker Song spoke against placing a condition on hours of operation. Pohlman noted that the commission has not received concerns from neighbors concerning hours of operation.

MOTION: M/S HUGHEY/POHLMAN moved to approve the required findings for conditional use permits:

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

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.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. 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;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

MOTION: M/S HUGHEY/POHLMAN moved to approve the conditional use permit request for a mobile non-motorized food cart at 242 Katlian Avenue subject to the attached conditions of approval. The property is also known as Lot 21, Block 1, Sitka Indian Village, US Survey 2542. The request is filed by Karen Lucas. The owner of record is Karen J. Lucas.

Conditions of Approval:

- 1) All applicable state and municipal food safety regulations, permits, and licenses are acquired and followed;
- 2) The conditional use shall be operated consistent with the plans submitted (and as amended and discussed);
- 3) All applicable building codes and fire safety regulations are complied with including, but not limited to, life and safety inspection and fire safety;
- 4) Food waste and garbage are disposed of in an orderly manner to control any odors;
- 5) A one-time annual review with report from owner and operator, upon which time the conditional permit may be amended, continued, or denied based upon conditions of operation and effects upon the public, health, safety, and welfare; and
- 6) Failure to comply with any conditions of approval or any pertinent Sitka General Code sections (including remittance of taxes) may result in revocation of the conditional use permit.

ACTION: Motion **PASSED unanimously 4-0** on a voice vote.

9:15-9:20--Break

FEE SCHEDULE UPDATE
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT STAFF

Public hearing and consideration of a proposed fee schedule change for the Planning and Community Development Department.

Parcel ID: 16350000
JOHN/ELIZABETH SKEELE/CAFFREY
SKEELE, JOHN/CAFFREY, ELIZABETH
262 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16360000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST., #2
SITKA AK 99835

Parcel ID: 16365000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16370000
LILLY JOHN ESTATE
JOHN, KITKA, HOGBERG % E. HE
JOHN, LILLY ESTATE %
HOOLES, WALLACE,
P.O. BOX 338
HAINES AK 99827-0338

Parcel ID: 16395000
ROBERT/VIRGINIA CUENIN
CUENIN,
ROBERT/VIRGINIA/CHAMBERS, MARY
2144 TICE CREEK DR, APT 3
WALNUT CREEK CA 94595-5202

Parcel ID: 16380000
TIMOTHY/LYDIA MCGRAW
MCGRAW, TIMOTHY/LYDIA
288 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16385000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16425000
DENNIS ALLEN
ALLEN, DENNIS, C.
336 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16400000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16420000
CALVIN CARLSON
CARLSON, CALVIN
332 KOGWANTON ST.
SITKA AK 99835

Parcel ID: 16475021
GAYLE/PAUL YOUNG
YOUNG, GAYLE, L.
250 KOGWANTON ST.
SITKA AK 99835

Parcel ID: 16475019
ROSEMARY THOMAS
THOMAS, ROSEMARY, F.
254 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16475020
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16475024
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16475022
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16475023
AUDREY/GILBERT JOHNSON/SAM, SR.
AUDREY JOHNSON & GILBERT SAM,
SR.
246 KOGWANTON ST.
SITKA AK 99835

Parcel ID: 16550011
NINA HAHLER
HAHLER, NINA, C
11033 ZOOTENVAAL
ST JOHN VI 00830

Parcel ID: 16475025
MARK/HEIDI NANCE
NANCE, MARK, A./HEIDI, L.
234 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16475026
MARK/SHERRY WHITE/BARNES
WHITE, MARK & BARNES, SHERRY
220 KAAGWAANTAAN ST
SITKA AK 99835-7514

Parcel ID: 16550020
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16550014
JOHN/BARBARA DELONG
DELONG, JOHN & BARBARA
264 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16550016
JOHN/BARBARA DELONG
DELONG, JOHN, R./BARBARA
264 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16655001
C/B OF SITKA
BETWEEN TOTEM SQ & KAT AVE
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16675000
CITY & BOROUGH OF SITKA
(BAILEY'S MARINE)
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16655000
SCOJO, LLC
TOTEM SQUARE
SCOJO, LLC
2819 DAWSON ST
ANCHORAGE AK 99503

Parcel ID: 16690000
CITY & BOROUGH OF SITKA
ANB BOAT HARBOR
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16695000
ALASKA NATIVE BROTHERHOOD
ALASKA NATIVE BROTHERHOOD
235 KATLIAN AVE, STE A
SITKA AK 99835

Parcel ID: 16675001
C/B OF SITKA
BETWEEN OLD BAILEYS & KAT
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16710000
BARANOF ISLAND HOUSING
AUTHORITY
BHHA OFFICE
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE

Parcel ID: 13910000
ORTHODOX CHURCH IN AMERICA
RUSSIAN CHURCH RECTORY
ORTHODOX CHURCH IN AMERICA
P.O.BOX 210569
ANCHORAGE AK 99521

Parcel ID: 16025000
WAYNE/SARAH TARANOFF
TARANOFF, WAYNE & SARAH
104 ROCKFISH WAY
SITKA AK 99835

Parcel ID: 16055000
KATHERINE/LINDA SULSER/HEIM
PIONEER BAR
SULSER, KATHERINE/HEIM, LINDA
P.O. BOX 599
SITKA AK 99835-0599

Parcel ID: 16066000
ELI HOWARD
% RAY NIELSEN(206)774-562
HOWARD, ELI
4735 200TH ST SW, APT 104
LYNNWOOD WA 98036

Parcel ID: 16080000
GENEVIEVE/D.A.
GUANZON/DOWNS/LEONARD
LEONARD, ANITA/GUANZON, G
GUANZON, GENEVIEVE, H.
2329 EUREKA, APT D3
ANCHORAGE AK 99503

Parcel ID: 16095000
THERESA HEYBURN
HEYBURN, THERESA
207 MONASTERY ST
SITKA AK 99835

Parcel ID: 16120000
BRIAN MCNITT
MCNITT, BRIAN
11302 ROYZELLE LN
MINNETONKA MN 55305-4344

Parcel ID: 16140000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16160000
JACOB WHITE
WHITE, JACOB
P.O. BOX 361
HOONAH AK 99829-0361

Parcel ID: 16320000
MICHAEL/XIAOYAN MAYO/SHEN
MAYO, MICHAEL, J. & SHEN, XIAOYAN
2808 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 16015000
ROBERT/KAREN PARKER
PARKER, ROBERT & KAREN
204 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16030000
BOYD DIDRICKSON
DIDRICKSON, BOYD
215 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16060000
KATHERINE/LINDA SULSER/HEIM
PIONEER BAR
SULSER, KATHERINE/HEIM, LINDA
P.O. BOX 599
SITKA AK 99835-0599

Parcel ID: 16070000
KAREN LUCAS
LUCAS, KAREN, J.
224 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16085000
KEVIN/MARIFE PLAISANCE
PLAISANCE, KEVIN & MARIFE
P.O. BOX 152
SITKA AK 99835-0152

Parcel ID: 16100000
KAREN LUCAS
LUCAS, KAREN, J.
224 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16125000
TOM/ANITA MATTINGLY/BERGEY
MATTINGLY, TOM & BERGEY, ANITA
P.O. BOX 624
SITKA AK 99835-0624

Parcel ID: 16150000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16285000
PETER/BERTHA KARRAS
KARRAS, PETER, J./BERTHA
230-A KOGWANTON ST
SITKA AK 99835

Parcel ID: 16325000
JENNIE JACK
CROPLEY,F/HOWARD,N/MULLIG
JACK,JENNIE%
WILLARD,M/KJ,CHURCH,P
C/O 256 KATLIAN AVE

Parcel ID: 16020000
KENDALL DIDRICKSON
DIDRICKSON, KENDALL
203 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16045000
NAN/CHOONG YOON/SOE
YOON, NAN KYUN/SOE,CHOONG W.
2830 PELICAN DR
ANCHORAGE AK 99502

Parcel ID: 16065000
MARY PAUL
% STA
PAUL, MARY, Y.
456 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16075000
RICHARD KATHLIAN
R&D.COOK,M.KATHLEAN,E.JOH
PETERS, CAROL
GENERAL DELIVERY
SITKA AK 99835

Parcel ID: 16090000
THERESA HEYBURN
HEYBURN, THERESA
207 MONASTERY ST
SITKA AK 99835

Parcel ID: 16105000
DAN/GRECHEN STOCKEL
STOCKEL, DAN & GRECHEN
P.O. BOX 1172
SITKA AK 99835-1172

Parcel ID: 16130000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16155000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16315000
MICHAEL/XIAOYAN MAYO/SHEN
MAYO, MICHAEL, J. & SHEN, XIAOYAN
2808 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 16345000
HARRY JIMMY
JIMMY, HARRY
P.O. BOX 986
SITKA AK 99835-0986

Parcel ID: 16720000
~~DODSON & HOLZMAN REV. LIVING
TRUST~~
~~DODSON, FORREST, & HOLZMAN,
MARY~~
~~P.O. BOX 6575~~
~~SITKA AK 99835 4575~~

Parcel ID: 16735000
~~CITY & BOROUGH OF SITKA~~
~~CITY GRID~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 16725000
~~CITY & BOROUGH OF SITKA~~
~~GRID EXTENSION~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 16740000
~~CITY & BOROUGH OF SITKA~~
~~(NEXT TO CITY GRID)~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 16730000
~~CITY & BOROUGH OF SITKA~~
~~TIDELANDS EXCHANGE SUBDV.~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 16745000
~~JACOB WHITE~~
~~WHITE JACOB~~
~~P.O. BOX 361~~
~~HOONAH AK 99829-0361~~