

# 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

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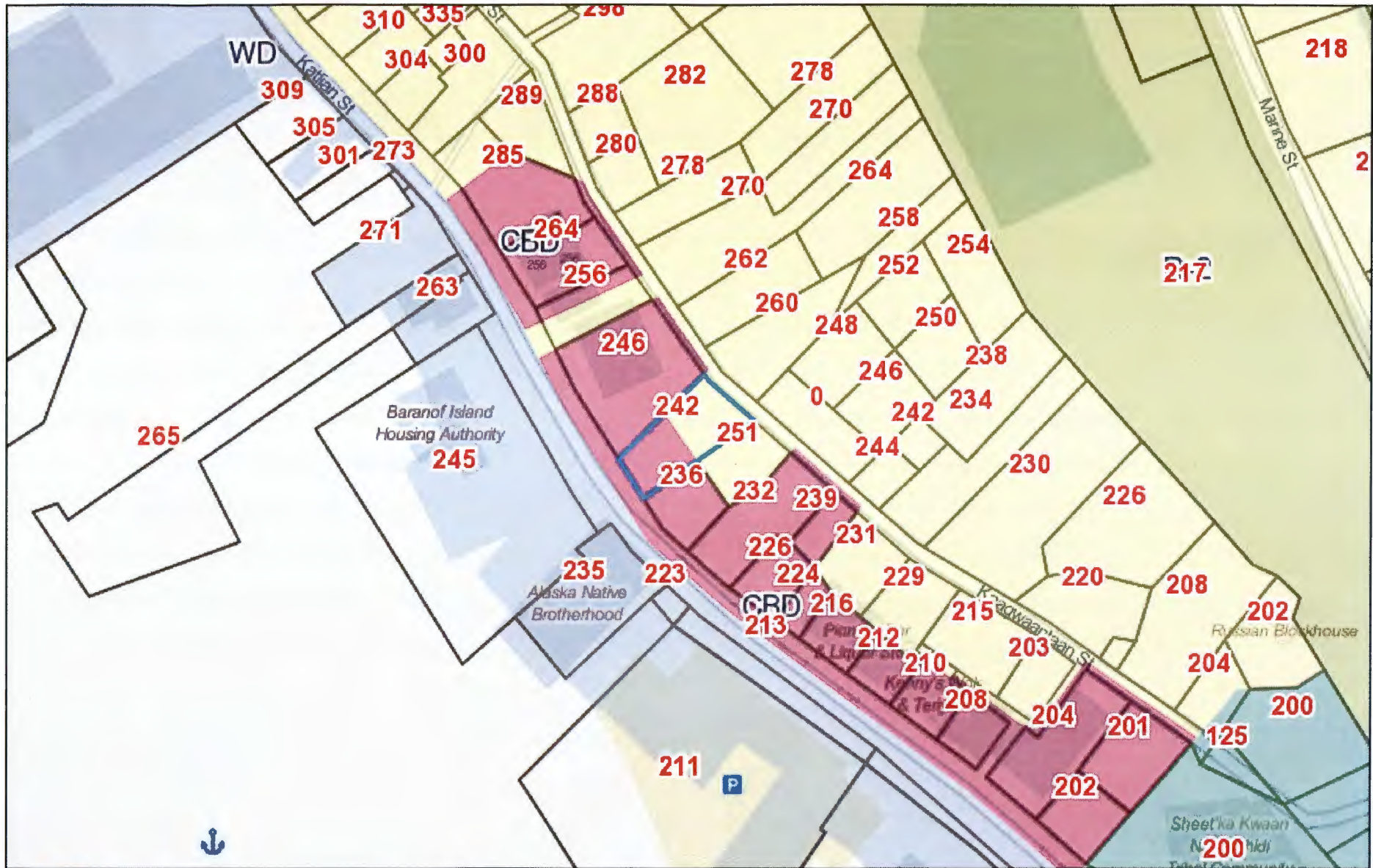
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**Karen Lucas**  
Conditional Use Permit Request - Food Truck  
242 Katlian Avenue





## City & Borough of Sitka, Alaska

Selected Parcel: 242 KATLIAN ID: 16100000

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MainStreetGIS, LLC  
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l responsibility for the information contained herein.

**Karen Lucas**

Conditional Use Permit Request - Food Truck  
242 Katlian Avenue













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 - Page 1 of 1



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 %  
HOOLIS, WALLACE,  
P.O. BOX 338  
HAINES AK 99827-0338

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

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: 16425000  
DENNIS ALLEN  
ALLEN, DENNIS, C.  
336 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: 16475021  
GAYLE/PAUL YOUNG  
YOUNG, GAYLE, L.  
250 KOGWANTON ST.  
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: 16475024  
~~BARANOF ISLAND HOUSING~~  
AUTHORITY  
~~BARANOF ISLAND HOUSING~~  
AUTHORITY  
245 KATLIAN AVE  
SITKA AK 99835

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

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

Parcel ID: 16550016  
JOHN/BARBARA DELONG  
DELONG, JOHN & BARBARA  
~~264 KOGWANTON ST~~  
SITKA AK 99835

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

Parcel ID: 16550022  
WILLIAM/MARY HUTTON  
HUTTON, WILLIAM & MARY LOUISE  
1232 GEORGESON LP  
SITKA AK 99835

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

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

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: 16710000  
BARANOF ISLAND HOUSING  
AUTHORITY  
BHA 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, GENEYIEVE, 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/HOVAR/D,N/MULLIG  
JACK, JENNIE %  
WH.LARD, M/K/J, 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

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