



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: June 24, 2016

To: Planning Commission

From: Samantha Pierson, Planner I

Re: CU 16-22 Triplex and Short-Term Rental at 1715 Sawmill Creek Road

GENERAL INFORMATION

Applicant: Michael Knauss & Jacklynn Barmoy

Property Owner: same

Property Address: 1715 Sawmill Creek Road

Legal Description: Lot 1A Corrective Plat
Knauss Lot Line Adjustment

Parcel ID Number: 30830000

Size of Existing Lot: 31,133 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Sawmill Creek Road

Surrounding Land Use: Residential

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: Parcel Pictures

Attachment D: Application

Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Zoning Map

Attachment H: Flood Zone Map

Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a triplex and short-term rental at 1715 Sawmill Creek Road. The property is currently approved as a duplex with attached garage and attic space above the garage. The owners live in one unit of the duplex and have long-term renters in the other unit. The applicants have begun renovating the attic space as a third dwelling unit, and seek approval of a triplex on the property. The intent is to rent the third unit as a short-term rental, for which the applicants also seek a conditional use permit at this time. The third unit is approximately 300 square feet and is a full dwelling unit, complete with kitchen and bathroom. The owners will manage the short-term rental, and will screen tenants before acceptance. The property is accessed directly from Sawmill Creek Road.

22.16.040 R-1 single family and duplex residential district.¹

The R-1 zoning district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses. Multiple family units are a conditional use.²

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.³

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: A triplex would generate more traffic than a duplex. Typically, car use by tourists is less than or the same as long-term residential use.

b. Amount of noise to be generated and its impacts on surrounding land use: A triplex may generate more noise than a duplex.

c. Odors to be generated by the use and their impacts: No additional odors.

d. Hours of operation: Year-round.

¹ *This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.*

² Table 22.16.015-1

³ § 22.24.010.E

e. Location along a major or collector street: Sawmill Creek Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No concerns.

g. Effects on vehicular and pedestrian safety: Motorists who are unfamiliar with the property may attempt to back a car onto Sawmill Creek Road to leave the property. This concern can be mitigated by the owners providing a brief traffic flow explanation to renters.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The property is immediately adjacent to Sawmill Creek Road, which provides easy emergency access.

i. Logic of the internal traffic layout: The applicant has indicated the six required parking spaces.

j. Effects of signage on nearby uses: No proposed signage.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property has abundant foliage to provide privacy.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2, which states, “To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas;” and Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.⁴ This application conforms to the above sections by creating an additional dwelling unit and making it available to short-term visitors.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.⁵

FINDINGS

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:⁶

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

⁴ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁵ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

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.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a three-unit multiple-family dwelling and a short-term rental at 1715 Sawmill Creek Road, in the R-1 single family and duplex residential district. The property is also known as Lot 1A Corrective Plat of Knauss Lot Line Adjustment. The request is filed by Michael Knauss and Jacklynn Barmoy. The owners of record are Michael Knauss and Jacklynn Barmoy.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
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.

9. Owners shall provide renters with a brief explanation of best traffic circulation patterns to mitigate any potential traffic impacts.