



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 16-23 Amendment to nonconforming use for new short-term rental at 304 Baranof Street

GENERAL INFORMATION

Applicant: Island Institute

Property Owner: John and Karen Thielke

Property Address: 304 Baranof Street

Legal Description: Lot 1 Westover Subdivision

Parcel ID Number: 1-3275-000

Size of Existing Lot: 6298 square feet

Zoning: R-1

Existing Land Use: Commercial

Utilities: Full city services

Access: Baranof Street

Surrounding Land Use: Commercial, Public, 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: Prior Approvals

Attachment F: Site Plan

Attachment G: Subdivision Plat

Attachment H: Zoning Map

Attachment I: Flood Zone Map

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

BACKGROUND/PROJECT DESCRIPTION

The request is for an amendment to a nonconforming use permit. The permit would allow the Island Institute to operate a short-term rental out of the second story of 304 Baranof Street. The Island Institute building primarily functions as an office and occasionally hosts events related to their mission.

In September 2016, the Zoning Administrator granted a conditional use permit for the extension of a nonconforming use. This approval included a long-term rental on the second floor. This new request is to allow the applicant to rent the unit short-term as well as long-term. It should be noted that it is Planning Department policy that amendments to conditional use permits will not be considered within one year of a previously granted permit or amendment, to allow time to assess the operations of the granted permit.

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:

Short-term rentals may generate less traffic than long-term rentals, as tourists may not rent a vehicle. The location at 304 Baranof Street is an accessible location for a visitor without a car.

b. Amount of noise to be generated and its impacts on surrounding land use: Vacationers may generate more noise than long-term residents.

c. Odors to be generated by the use and their impacts: None expected.

d. Hours of operation: Year-round operation.

e. Location along a major or collector street: Baranof Street to either Sawmill Creek Road or Lincoln Street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: None expected.

g. Effects on vehicular and pedestrian safety: Same as if the unit was a long-term rental.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as other use.

i. Logic of the internal traffic layout: The applicant has submitted a parking plan depicting the 6 required parking spaces. Short-term renters may result in less traffic than long-term renters.

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

¹ § 22.24.010.E

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property is separated from one neighbor by foliage and another neighbor by a chain link fence.

l. Relationship of 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(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. This application conforms to the above section by making a dwelling unit available to short-term visitors.

m. Other criteria that surface through public comments or planning commission review:

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:²

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

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

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.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and required findings and grant the conditional use permit.

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 amendment request for a short-term rental subject to the attached conditions of approval. The property is also known as Lot 1 Westover Subdivision. The request is filed by the Island Institute. The owners of record are John and Karen Thielke.

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.