

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

#### **Planning and Community Development Department**

Date: February 6, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-03 Conditional Use Permit for STR at 2840 Sawmill Creek Road

#### **GENERAL INFORMATION**

Applicant: Michael Coleman

Property Owner: Michael and Tessie Coleman

Property Address: 2840 Sawmill Creek Road

Legal Description: Lot 1 R&C Hammack Subdivision

Lot Line Adjustment

Parcel ID Number: 3-1740-001

Size of Existing Lot: 57,755 square feet

Zoning: R-1 LDMH

**Existing Land Use: Residential** 

Utilities: Full city services

Access: Sawmill Creek Road

Surrounding Land Use: Residential, Commercial

#### **ATTACHMENTS**

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map Attachment D: Site Plan

Attachment E: Floor Plan
Attachment F: Subdivision Plat
Attachment G: Parcel Pictures
Attachment H: Application

#### **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

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 a conditional use permit for a short-term rental of a single family structure at 2840 Sawmill Creek Road in the R-1 LDMH single-family or duplex low density or single-family low density manufactured home district. The property exceeds the 2 parking space requirement. The proposed short-term rental unit has three bedrooms and two baths on a single level. The property is bounded by the owner's residence to the north and commercially zoned property, which has historically offered vacation rentals, to the south. The applicants intend for Sitka Travel to manage the rental.

22.16.035 R-1 LDMH single-family or duplex low density or single-family low density manufactured home district.

The R-1 LDMH 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.<sup>1</sup>

#### **ANALYSIS**

- 1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>
- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The property has a driveway that provides space in excess of the required 2 parking spaces. Sufficient space is available for vehicle turn-around, so backing out onto Sawmill Creek Road is not a concern. No impacts anticipated.
- **b.** Amount of noise to be generated and its impacts on surrounding land use: Renters can be known to create more noise due to being on vacation than typical families might. However, the provision of a rental overview and ability to address concerns adequately mitigate this.
- c. Odors to be generated by the use and their impacts: No additional odors.

<sup>&</sup>lt;sup>1</sup> Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

<sup>&</sup>lt;sup>2</sup> § 22.24.010.E

- d. Hours of operation: Year-round.
- 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:** None identified that would be different than existing use or significant in impact.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No concerns.
- **i.** Logic of the internal traffic layout: The applicant has indicated more than the required parking spaces for a single-family residence.
- 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: Foliage and a driveway provide buffers.
- **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. A rental overview will mitigate any concerns for noise and traffic. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.<sup>3</sup> This application conforms to the above sections by creating short-term transient housing.
- 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.<sup>4</sup>

#### FINDINGS

<sup>&</sup>lt;sup>3</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>&</sup>lt;sup>4</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

- 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: <sup>5</sup>
  - 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

<sup>&</sup>lt;sup>5</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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.

<u>Conclusion on Findings</u>: The required findings of fact have been met as the 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 through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

#### RECOMMENDATION

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

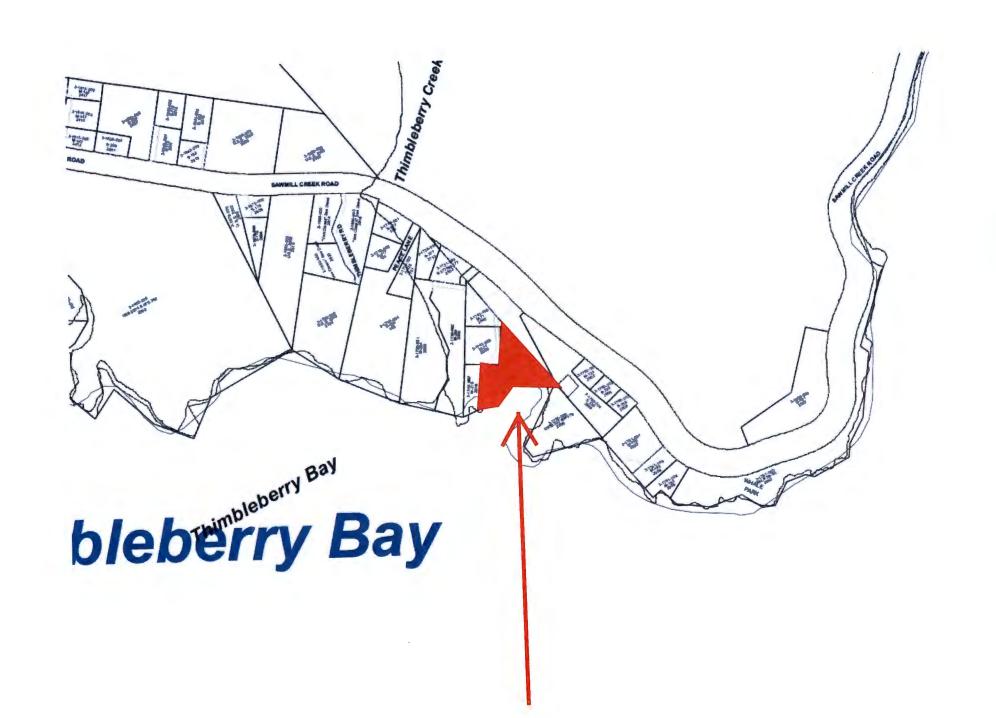
#### **Recommended Motions:** (two motions - read and voted upon separately)

- 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 short-term rental at 2840 Sawmill Creek Road subject to the attached conditions of approval. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie Coleman.

#### 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 rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.





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## City & Borough of Sitka, Alaska

Selected Parcel: 2840 SAWMILL CREEK ID: 31742000

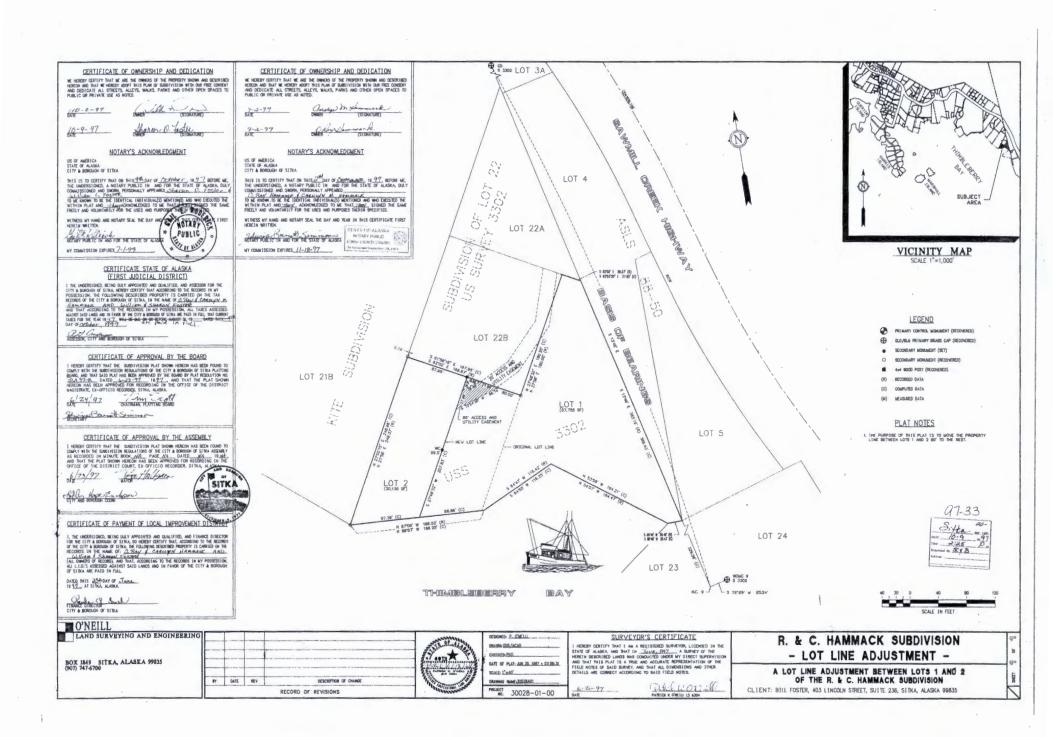
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Sawmill Cv. Rd additional Pour Lina 3 spaces 2620 15MC 3 spaces 2840 5MC

Sunroom Lishder riving Loom Poplas























## CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

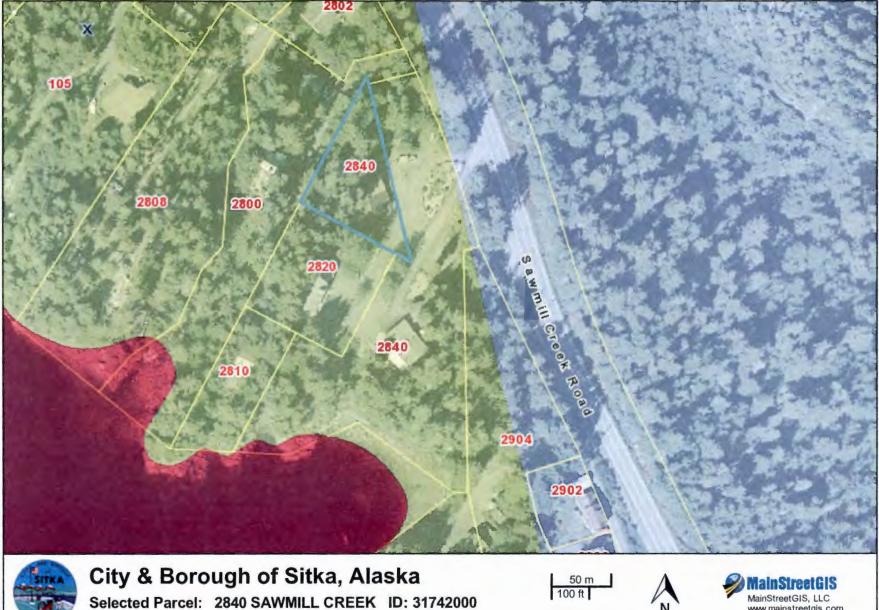
Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
 Review guidelines and procedural information.

- 3. Fill form out completely. No request will be considered without a completed form.

| 4. Submit an supporting de  | ocuments and proof of pa | yment              |  |  |  |
|---|--------------------------|--------------------|--|--|--|
| APPLICATION FOR:  | □ VARIANCE .             | □ CONDITIONAL USE  |  |  |  |
|   | ☐ ZONING AMENDMENT       | □ PLAT/SUBDIVISION |  |  |  |
|   |                          | time Short term    |  |  |  |
| rental manager by Christine McGraw  |                          |                    |  |  |  |
| Usland Prop   | erty Services            | LLC)               |  |  |  |
| CURRENT ZONING: R-) LDW ROPOSED ZONING (if applicable): PROPOSED LAND USES (if changing): PROPOSED LAND USES (if changing): |                          |                    |  |  |  |
| APPLICANT INFORMATION   | ON:                      |                    |  |  |  |
| PROPERTY OWNER: Michael Coleman   |                          |                    |  |  |  |
| PROPERTY OWNER ADDRESS: 2840 Sawmill Creek Rd   |                          |                    |  |  |  |
| STREET ADDRESS OF PROPERTY: _   | Same                     |                    |  |  |  |
| APPLICANT'S NAME: Michael Coleman   |                          |                    |  |  |  |
| MAILING ADDRESS: 2820 Sawmill Creek Rd  |                          |                    |  |  |  |
| EMAIL ADDRESS: <u>Hess vadina@hotmail.com</u> DAYTIME PHONE: 907-738-3851   |                          |                    |  |  |  |
| PROPERTY LEGAL DESCRIPTION:  TAX ID: 374000 LOT: BLOCK: TRACT:  |                          |                    |  |  |  |
| SUBDIVISION:  |                          | US SURVEY:         |  |  |  |
| OFFICE USE ONLY   |                          |                    |  |  |  |
| COMPLETED APPLICATION   | OFFICE U                 | SITE PLAN          |  |  |  |
| NARRATIVE   |                          | CURRENT PLAT       |  |  |  |
|   |                          |                    |  |  |  |
| FEE   |                          | PARKING PLAN       |  |  |  |

## REQUIRED SUPPLEMENTAL INFORMATION:

| For All Applications:  | <u>For Conditional Use Permit:</u>  |
|--|---|
| Completed application form   | Parking Plan  |
| Narrative  | Interior Layout   |
| Site Plan showing all existing and proposed structures with dimensions and location of utilities  Proof of filing fee payment  Proof of ownership  Copy of current plat          | For Plat/Subdivision:  Three (3) copies of concept plat  Plat Certificate from a title company  Topographic information  Proof of Flagging  If Pertinent to Application:  Landscape Plan  Drainage and Utility Plan |
| notice will be mailed to neighboring property owners and published access the property to conduct site visits as necessary. I authorize pehalf.  Owner                           | re true. I certify that this application meets SCG requirements to  |
| rue. I certify that this application meets SCG requirements to the acknowledge that payment of the review fee is non-refundable, is and does not ensure approval of the request. | best of my knowledge, belief, and professional ability. I   |
| Applicant (If different than owner)  | Date  |



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Parcel ID: 31710003 EVANS SPARKS SPARKS, JR, EVANS, W. 101 PEACE LANE SITKA AK 99835

Parcet ID: 31730001 MICHAEL MAYO MAYO, MICHAEL, J. 2808 SAWMILL CREEK RD. SITKA AK 99835

Parcel ID: 31740001
O. RAY/CAROLYN HAMMACK
HAMMACK, O., RAY/CAROLYN, M.
2840 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 31742000
O. RAY/CAROLYN HAMMACK
HAMMACK, O., RAY/CAROLYN, M.
2840 SAWMILL CREEK.RD:
SITKA AK 99835

Parcel ID: 31760002
DONOVAN/MAXINE DUNCAN
DUNCAN DONOVAN & MAXINE
2906 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31770000 UNIVERSITY OF ALASKA UNIVERSITY OF ALASKA 1815 BRAGAW ST, STE 101 ANCHORAGE AK 99508-2506 Parcel ID: 31710004
RALPH JUNKER REVOCABLE TRUST
JUNKER REVOCABLE TRUST, RALPH,
E.
P.O. BOX 911
SITKA AK 99835-0911

Parcel ID: 31730002 SHERYL MAYO MAYO, SHERYL, L. 2800 SAWMILL CREEK RD SITKA AK 99835

Parcel ID: 31740002

JOHN/MARNIE EVERSON/CHAPMAN
EVERSON, JOHN, M./CHAPMAN,
MARNIE

2810 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 31750000 JANET EDDY EDDY, JANET, L. P.O. BOX 21 SITKA AK 99835-0021

Parcel ID: 31760003
GAYLE/DIANA ERICKSON
ERICKSON, GAYLE, D./DIANA, K.
2908 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 31728000 DAVID/DORIS CLARKE CLARKE, DAVID, S./DORIS, L. P.O. BOX 255 SITKA AK 99835-0255

Parcel ID: 31731000 JOHN/LARISSA WILEY WILEY, JOHN & LARISSA 2802 SAWMILL CREEK RD, SITKA AK 99835

Parcel ID: 31741000
MICHAEL/TESSIE COLEMAN
COLEMAN, MICHAEL, R./TESSIE, B.
2820 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 31760001 GORDON/SARAH BLUE BLUE, GORDON, K./SARAH 411 GOLD ST JUNEAU AK 99801-1128

> Parcel ID: 31760004 JANET EDDY EDDY, JANET L P.O. BOX 21 SIFKA AK 99835-0021

#### INVOICE

### CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

Thank you

To: Michael Coleman

| 1             | ACCOUNT # 100-300-320-3201.002         |        |
|---------------|--|--------|
|               | PLANNING & ZONING                      |        |
|               |  |        |
|               | Variance                               |        |
|               | Conditional Use Permit                 | 00,00  |
|               | Minor Subdivision.                     |        |
| The same of   | Major Subdivision.                     |        |
| -             | Zoning Map Change                      |        |
| -             |  |        |
| and distances | Zoning Text Change                     |        |
| į             | Lot Merger.                            |        |
|               | Boundary Line Adjustment               |        |
| -             | General Permit.                        |        |
|               | Appeal of Enforcement Action (Pending) |        |
| -             | Other                                  |        |
|               | Sales Tax                              | 5,00   |
| 1             |  |        |
| -             | TOTAL                                  | 105,00 |
|               |  |        |

PAID JAN 3 0 2017 CITY & BOROUGH OF SITKA

#### 2016-000915-0

Recording Dist: 103 - Sitka 9/1/2016 01:40 PM Pages: 1 of 1



WHEN RECORDED RETURN TO:

Name:

Michael & Tessie Coleman 2820 Sawmill Creek Road

Address: City, State, Zip:

Sitka, Alaska 99835

QUITCLAIM DEED

THIS INDENTURE, made and entered into this date, September, 2016 by and between

O. Ray Hammack

whose mailing address is 23515 Beaver Falls Road, Clatskanie, OR 97016 GRANTOR, and

Michael R. Coleman and Tessie B. Coleman, husband and wife

whose mailing address is: 2820 Sawmill Creek Road, Sitka, Alaska 99835, GRANTEE

#### WITNESSETH

That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and quitclaim unto the said Grantee, all of the following described property, to wit:

Lot One (1), R. & C. Hammack Subdivision Lot Line Adjustment according to the plat filed October 9, 1997 as Plat 97-33 Sitka Recording District, First Judicial District, State of Alaska.

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said Grantee, and to its heirs and assigns forever.

Dated: September \_\_\_\_\_, 2016

O Ruy Hammack by Dawn Gluth,

O. Ray Hammack by Dawn Gluth,

His attorney in fact

State of Alaska

) ss.

First Judicial District

On this day personally appeared before me Dawn Gluth as Power Attorney for O. Ray Hammack, to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal on September \_\_\_\_, 2016.

STATE OF ALASKA
NOTARY PUBLIC
JUDITH A. BROWN
My Commission Expires S 12 3011

Notary Public in and for the State of Alaska My commission expires:

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