## City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835
Coast Guard City, USA
Planning and Community Development Department

AGENDA ITEM:<br>Case No: CUP 17-07<br>Proposal: Request for short-term rental at 112 Toivo Circle<br>Applicant: John and Alison Dunlap<br>Owner: John and Alison Dunlap<br>Location: 112 Toivo Circle<br>Legal: Lot 7 Fleming Subdivision<br>Zone: $\quad$ R-1 MH single family, duplex and manufactured home zoning district<br>Size: $\quad 9664$ square feet<br>Parcel ID: 2-5560-007<br>Existing Use: Residential<br>Adjacent Use: Residential<br>Utilities: Full city services<br>Access: Toivo Circle to Halibut Point Road

## KEY POINTS AND CONCERNS:

1. Findings: 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.
2. Other Major Points:

- Rental unit: three bed/three bath, single family detached structure
- Safety: sufficient parking on-site, access from city street, safety inspection to be conducted by Fire Marshal if approved
- Neighborhood harmony: large lot provides buffer space, potential impacts of short-term rentals on long-term rental rates, the owner wishes to rent the unit short-term until the property sells (currently listed for sale)


## RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-07 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental at 112 Toivo Circle.

## 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
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 unit at 112 Toivo Circle in the R1 MH single family, duplex and manufactured home zoning district. The property will meet the 2 parking space requirement for a single-family residence. The property is currently listed for sale and the applicant states the intention to rent the house on VRBO until the property is sold. The house has 3 bedrooms and 3 bathrooms. The property is accessed Toivo Circle, a public street. Currently, there are no short-term rental type properties approved on Toivo Circle.

The R-1 MH 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. ${ }^{1}$

Neighbors have raised concerns for having a rental on the small street with no secondary way out, dust on the dirt road, bears, lack of on-street parking, and changing the atmosphere of the neighborhood.

## ANALYSIS

## 1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES. ${ }^{2}$

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The property provides on-site parking in excess of the required 2 spaces. Owners should provide traffic circulation information to tenants, and all parking should occur on-site.
b. Amount of noise to be generated and its impacts on surrounding land use: Vacationers may create more noise than long-term residents. The provision of a rental overview and ability to address concerns can provide mitigation.

[^0]c. Odors to be generated by the use and their impacts: Improperly handled garbage may create odors and attract bears. Proper garbage management instructions should be included in the rental overview.
d. Hours of operation: Unit to be rented until the house is sold.
e. Location along a major or collector street: Toivo Circle to Halibut Point 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 for cut through traffic. Access is through a residential area.
g. Effects on vehicular and pedestrian safety: Toivo Circle has appropriate signage which should assist visitors in finding the property; nonetheless, the owners should provide renters with a rental overview to inform renters of proper access.
h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No different than if occupied by long-term residents or unoccupied.
i. Logic of the internal traffic layout: The applicant has indicated the required on-site parking spaces for a single family residence. Owners should provide traffic circulation information to tenants, and all parking should occur on-site.
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: Large lot provides buffers.
I. 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(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. ${ }^{3}$ This application conforms to the above sections by creating short-term transient housing. Provision of a rental overview would mitigate possible concerns for traffic and noise.

[^1]m . Other criteria that surface through public comments or planning commission review: Shortterm rentals may increase long-term rental rates for the overall community. ${ }^{45}$

Concerns for bears, traffic, and parking can be mitigated through conditions of approval.

## FINDINGS ${ }^{6}$

1. ...The granting of the proposed conditional use permit will not:
a. Be detrimental to the public health, safety, and general weifare;
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, specifically, the lot exceeds size requirements and foliage provides buffers.
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, specifically, 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.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

## 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 112 Toivo Circle subject to the attached conditions of approval. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.
[^2]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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.




## 50 m

 100 ft
## A

F) MainstraelRIS
MainStreetGIS, LLC

MainStreetGIS, LLC
ww.mainstreetgis.com



Renting whole house
3 queen bedrooms
3 Gath rooms







## CITY AND BOROUGH OF SITKA <br> PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:
[] VARIANCE

- ZONING AMENDMENT
conditional use
$\square$ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Our home has been on market for just about I yr. As we are moving onto a boat here locally we would like to rent our home as a short term rental (VRBO): As to continue to be able to make morgage payments until our home sells. PROPERTY INFUKIVIAIIUIV:

CURRENT ZONING:
 PROPOSED ZONING (if applicable):
current land use(S): Single family Home proposed land uses (if changing): Short term rental (URBO)

## APPLICANT INFORMATION:

propertrowner: John Dunlap / Alison Dunlap
properriowneradoress: 112 Tolvo circle
street address of roper: 112 tolvo circle
applcant'sname Alison Dunlap
mailing address: $\quad 112$ tolvo Circle sitka Ak 99835
 DAYTIME PHON

PROPERTY LEGAL DESCRIPTION:
TAX ID:

$\qquad$ 7 $\qquad$ BLOCK: $\qquad$ TRACT: $\qquad$
SUBDIVISION: fleming LOOT: $\qquad$


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For All Applications:
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```Completed application form
Narrative
Site Plan showing all existing and proposed structures with dimensions and location of utilities
Proof of filing fee payment
Proof of ownership
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```Copy of current plat
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For Plat/Subdivision:Three (3) copies of concept platPlat Certificate from a title company
Topographic information
Proof of Flagging

## If Pertinent to Application:

Landscape PlanDrainage and Utility Plan

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my


I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Parcel ID: 24940000
C/B OF SITKA
TR C ASLS 79-4 155.45 ACR
C/B OF SITKA
100 LINCOLN ST
SHKA AK 99835
Parcel Ĩ: 25557000
PATRICK/CORAL CRENNA
CRENNA, PATRICK, J.\& CORAL
3486 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25560002
KJERSTI/JASON KOSKINEN KOSKINEN, KJERSTI \& JASON 101 TOIVO CIR SITKA AK 99835-9552

Parcel ID: 25560005
JOHN/RAL HARDWICK/WEST REV.
LIVING TRUST
HARDWICK, JOHN/WEST, RAL
107-A TOIVO CIRCLE
SITKA AK 99835

Parcel ID: 25560008 GARY/DIXIE PETERSON PETERSON, GARY/DIXIE 110 TOIVO CIRCLE SITKA AK 99835

Parcel ID: 25560011 DAVID PAPOI PAPOI, DAVID, A. 104 TOIVO CIR SITKA AK 99835

Parcel ID: 25570002 KENNETH KUBIK
KUBIK, KENNETH, G. 3516 HALIBUT POINT RD SITKA AK 99835

Parcel ID: 25570005 GARY/LYNDENE DOWNIE DOWNIE, GARY, L./LYNDENE 108-A SHULER DR. SITKA AK 99835

Parcel ID: 25555001
KINGFISHER CHARTERS, LLC KINGFISHER CHARTERS, LLC
P.O. BOX 1781

SITKA AK 99835-1781

Parcel ID: 25558000
JEFFREY WHEELER
WHEELER, JEFFREY, C. 3488 HA LIBUT POINT RD. SITKA AK 99835

## Parcel ID: 25560003

JOSEPH/KIMBERLY CASTRO
CASTRO, JOSEPH/KIMBERLEY
1262 CAVAN ST
BOLLDER CO 80303-1602

Parcel ID: 25560006
VAUGHN/AMY MORRISON MORRISON, VAUGHN \& AMY

114 TOIVO CIRCLE SITKA AK 99835

Parcel ID: 25560009 MICHAEL/KAREN WHITE WHITE, MICHAEL, C./KAREN, J.

108 TOIVO CIRCLE
SITKA AK 99835

Parcel ID: 25560012
RICHARD/DEBBIE DOLAND DOLAND, RICHARD/DEBBIE P.O. BOX 1714

SITKA AK 99835-1714

Parcel ID: 25570003
JULIA/ALAN BIXBY/ANDERSEN BIXBY, JULIA \& ANDERSEN, ALAN 2041 HALIBUT POINT RD SITKA AK 99835

Parcel ID: 25570061
DAVID/PAULLA HARDY
HARDY, DAVID, M./PAULLA, M. P.O. BOX 6032 SITKA AK 99835-6032

Parcel ID: 25556000 CARLETON/PATRIC ROBINSON ROBINSON, CARLETON \& PATRICIA 3484 HALIBUT POINT KDD SITKA AK 99835

Parcel ID: 25560001 TODD FLEMING FLEMING, TODD, M. 1107-A EDGECUMBE DR SITKA AK 99835

Parcel ID: 25560004 SUZANNE/BRUCE SHEA/WHITE SHEA, SUZANNE/WHITE, BRUCE 105 TOIVO CIR SITKA AK 99835

Parcel ID: 25560007 JOHN/ALISON DUNLAP DUNLAP, JOHN/ALISON 112 TOIVO CIRCLE SITKA AK 99835

Parcel ID: 25560010
MICHAEL WHITE
WHITE, MICHAEL, E.
106 TOIVO CIRCLE
SITKA AK 99835

Parcel ID: 25570001
WILLIAM/GERTRUD SHAYEN SHAYEN, WILLIAM/GERTRUDE P.O. BOX 1595

SITKA AK 99835-1595

Parcel ID: 25570004
CHARLOTTE A. CANDELARIA
REVOCABLE TRUST
CANDELARIA, CHARLOTTE, VANCHURA 106 SHULER DR. SITKA AK 99835

Parcel ID: 25570062 DAVID/PAULLA HARAY HARDY, DAVID.W./PAULLA, M. P.O. BOX 6032 - SITKA AK 99835-6032

Parce! ID: 24940000 C/B OF SITKA
TR C ASLS 79-4 155.45 ACRC/B OF SITKA

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SITKA AK 99835

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PATRICK/CORAI, CRENNA CRENNA, PATRICK, J. \& CORAL 3486 HALIBUTPOINTR R SITKA AK 99835

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P.O. BOX 1781

SITKA AK 99835-1781

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SITKA AK 99835

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CASTRO, JOSEPH/KIMBERLEY
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BOLEDER CO 80303-1602

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MORRISON, VAUGHN \& AMY
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SITKA AK 99835-1714

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Parcel 1D: 25570061 DAVID/PAULLA IIARDY HARDY, DAVID, M./PAULLA, M. P.O. BOX 6032

SITKA AK 99835-6032

Paree 111: 25556000
CARIJTON/PATRIC ROBINSON
ROBINSON, CARLETON \& PATRICIA
3484 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25560001
TODD HIFMING
FLEMING, TODI, M.
1107-A EDCECOMBE DR SITKA AK 99835

Parcel fD: 25560004 SUIANNE/BRUCE SHEA/WHITE SIIEA, SUZANNE/WHHTE, BRUCE 105 TOIVO CIR SITKA AK 99835

Parcel ID: 25560007 JOHN/ALISON DUNLAP DUNLAP, JOHN/ALISON 112 TOIVO CIRCLE SITKA AK 99835

Parcel ID: 25560010
MICHAEL WHITE
WHITE, MICHAEL, E. 106 TOIVO CIRCLE SITKA AK 99835

Parcel ID: 25570001 WILLIAM/GERTRUD SHAYEN SHAYEN, WILLIAM/GERTRUDE P.O. BOX 1595

SITKA AK 99835-1595

Parcel ID: 25570004
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REVOCABLE TRUST
CANDELARIA, CHARLOTIE, VANCHURA IOG SHULER DR. SITKA AK 99835

Parcel ID: 25570062
DAVID/PAULLA HARDX:
HARDY, DAVID,M./RAULLA, M.
P.O. BOX 6032

SITKA AK 99835-6032


## WARRANTY DEED

THIS NDENTURE, made and entered into this 12 day of NOVEMBER, 1999 by and between TODD FLEMING, a single person GERALD D. FLEMING and SUSAN J. FLEMING, hustand and wife whose mailing address is: 1924 A Dodge Clrcle, Sitka, AK 99835 JOHN DUNLAP and ALISON DUNLAP HUSBAND and WIFE
whose mailing address is: P.O.BOX 2235, SITKA, ALASKA 99835
GRANTOR, and

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 warrant unto said Grantee, all of the following described property, to wit:

Lot Seven (7), FLEMING SUBDIVISION, according to the plat thereof filed November 10. 1999 as Plat No. $99-$ 20. 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.

STATE OF ALASKA

FIRST JUDICIAL DISTRICT
$)$
) 83.
)

On this day personally appeared before me: TODD FLEMING and GERALD D. FLEMING and SUSAN J. FLEMING 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 frealy and valuntarily for the uses and purpases therein mentioned.

WITNESS my hand and official seal this 12 day of NOVEMBER, 1999.


[^0]:    ${ }^{1}$ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).
    ${ }^{2}$ § 22.24.010.E

[^1]:    ${ }^{3}$ Comprehensive Plan 2.5.11,2.10.3, and 2.10.4.

[^2]:    ${ }^{4}$ Planning: The Magazine of the American Planning Association, February 2016, p. 31
    ${ }^{5}$ Gurran \& Phibbs article in JAPA Volume 83 Issue 1
    ${ }^{6} \S$ 22.30.160.C - Required Findings for Conditional Use Permits

