

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 17-16

Proposal: Bed and Breakfast - 1 Bedroom

Applicant: Kathryn Petraborg
Owner: Kathryn Petraborg

Location: 2101 Sawmill Creek Road

Legal: Lot 1 Anna Peterson Subdivision

Zone: R-1 LDMH single-family low density manufactured home district

Size: 20,347 square feet

Parcel ID: 3-1530-001 Existing Use: Residential

Adjacent Use: Residential, Commercial (Church)

Utilities: Existing

Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- 1. <u>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.
- 2. Other Major Points:
 - Rental unit: one bedroom within an owner-occupied single-family structure
 - Safety: sufficient parking on-site, access from state highway, safety inspection to be conducted by Fire Marshal if approved
 - Neighborhood harmony: vacation rentals are sparse in the vicinity, potential impacts of short-term rentals on long-term rental rates
 - Current Code Violation: Outside animals in excess of 5

RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-16 to be consistent with !Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a one-bedroom bed and breakfast at 2101 Sawmill Creek Road with standard conditions of approval and the condition that the small animals housed outside are remedied within 6 months through code amendment, conditional use permit, or other appropriate means.

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 K: Proof of Payment

Attachment J: Mailing List

Attachment L: Warranty Deed

BACKGROUND

2101 Sawmill Creek Road resulted from Anna Peterson Subdivision, recorded in 2003 as plat 2003-3. The lot is 20,347 square feet and is triangular in shape. The structure was constructed in 1950, prior to zoning code. The 1088 square foot structure is situated 7 feet from the front property line and 0 feet from the southeasterly side property line. The rear portion of the lot is boggy. A 2006 variance request to expand the structure and encroach further into the front setback was denied.

PROJECT DESCRIPTION

The request is for a conditional use permit for a one-bedroom bed and breakfast at 2101 Sawmill Creek Road in the R-1 LDMH single-family low density manufactured home district. The property meets the 3 parking space requirement for a one-bedroom bed and breakfast within a single-family residence. The applicant occupies the 2 bedroom, 1 bathroom house. One bedroom would be rented out via Airbnb while the occupying owner is in town. The property is accessed via Sawmill Creek Road, a state highway. Nearby short-term rentals include 2116 Sawmill Creek Road and 119 Anna Drive.

The R-1 LDMH single-family low density manufactured home 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

When conducting a site visit, staff noticed that there were more animals housed outside on the property than the 5 allowed by code.² Staff observed 9 ducks and a pen of uncounted chickens. Two dogs and a cat were also observed but live primarily inside the house. If the permit for bed and breakfast is approved, a condition of approval should be included to require that the concern for small animals housed outside is remedied within 6 months through code amendment,

¹ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

² SGC 22.20.130

conditional use permit, or other appropriate means.

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: The proposal requires 3 parking spaces: 2 for the primary residence and 1 for the rental room. The property provides the required 3 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 on-site owners can provide mitigation. Fencing and foliage provide buffers.
- 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. The B&B will only operate while owners are on-site, providing supervision for garbage handling.
- d. Hours of operation: Year round.
- e. Location along a major or collector street: Access directly from 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 for cut through traffic. Access is directly from a state highway.
- g. Effects on vehicular and pedestrian safety: Driveway access directly from Sawmill Creek Road. Owners should provide tenants with information regarding safe traffic circulation.
- 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: Driveway access directly from Sawmill Creek Road. Owners should provide tenants with information regarding safe traffic circulation.
- **i.** Effects of signage on nearby uses: No proposed signage.

³ § 22.24.010.E

- k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Foliage and fencing 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(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. 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.
- 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 6}

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

FINDINGS⁷

- 1. ...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, *specifically, the property has on-site parking and foliage 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*.

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 Gurran & Phibbs article in JAPA Volume 83 Issue 1

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

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 one-bedroom bed and breakfast at 2101 Sawmill Creek Road subject to the attached conditions of approval. The property is also known as Lot 1 Anna Peterson Subdivision. The request is filed by Kathryn Petraborg. The owner of record is Kathryn Petraborg.

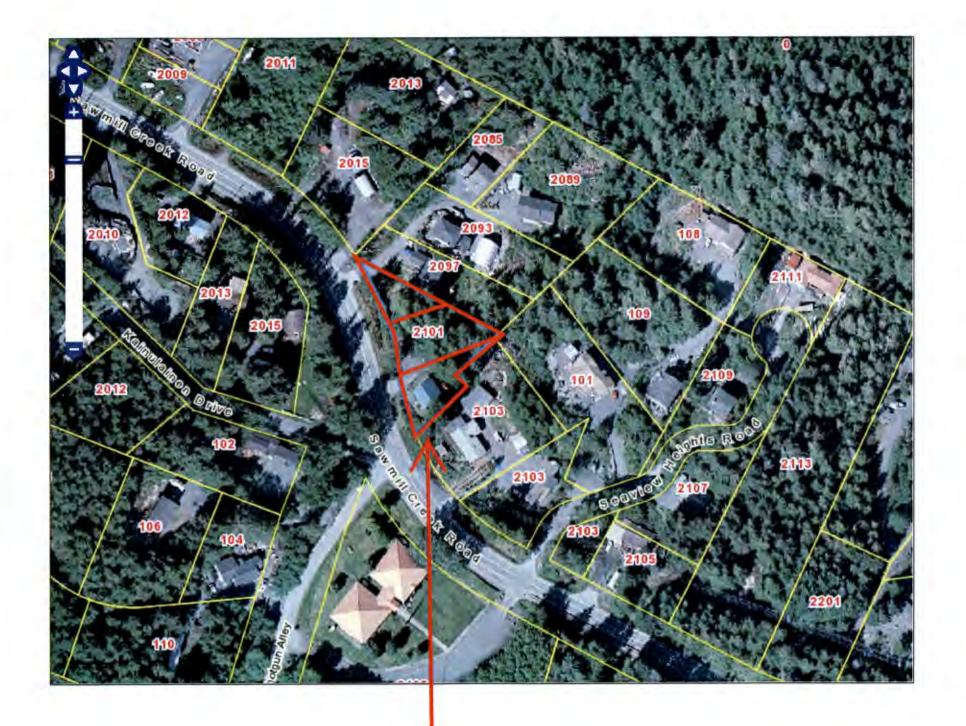
Conditions of Approval:

- 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. 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

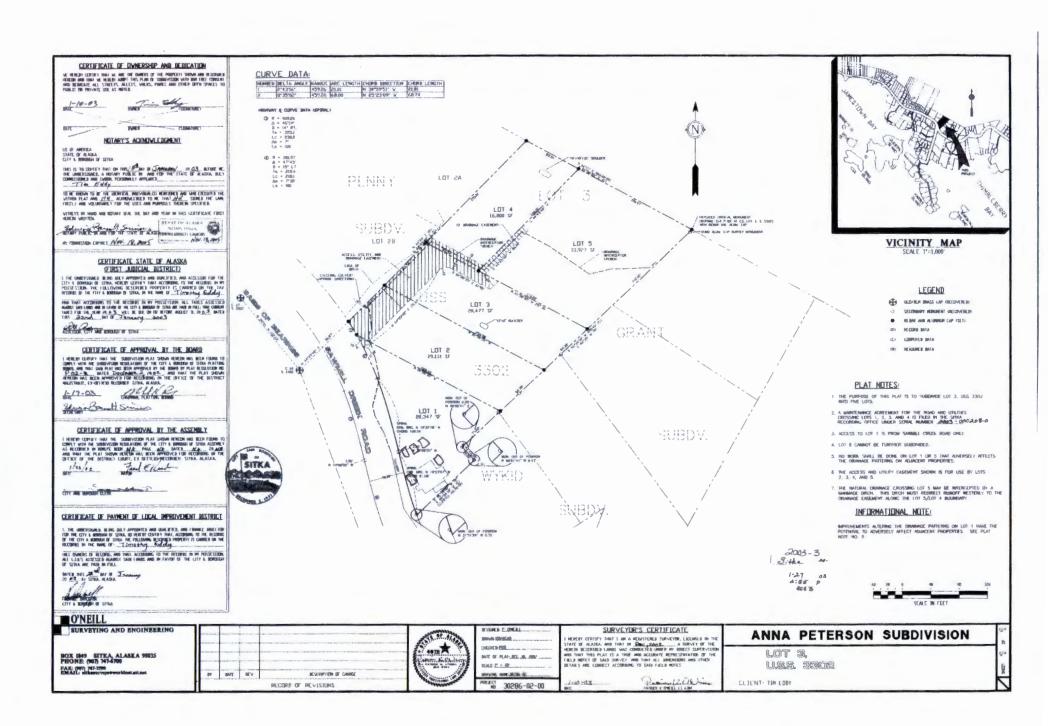
property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.

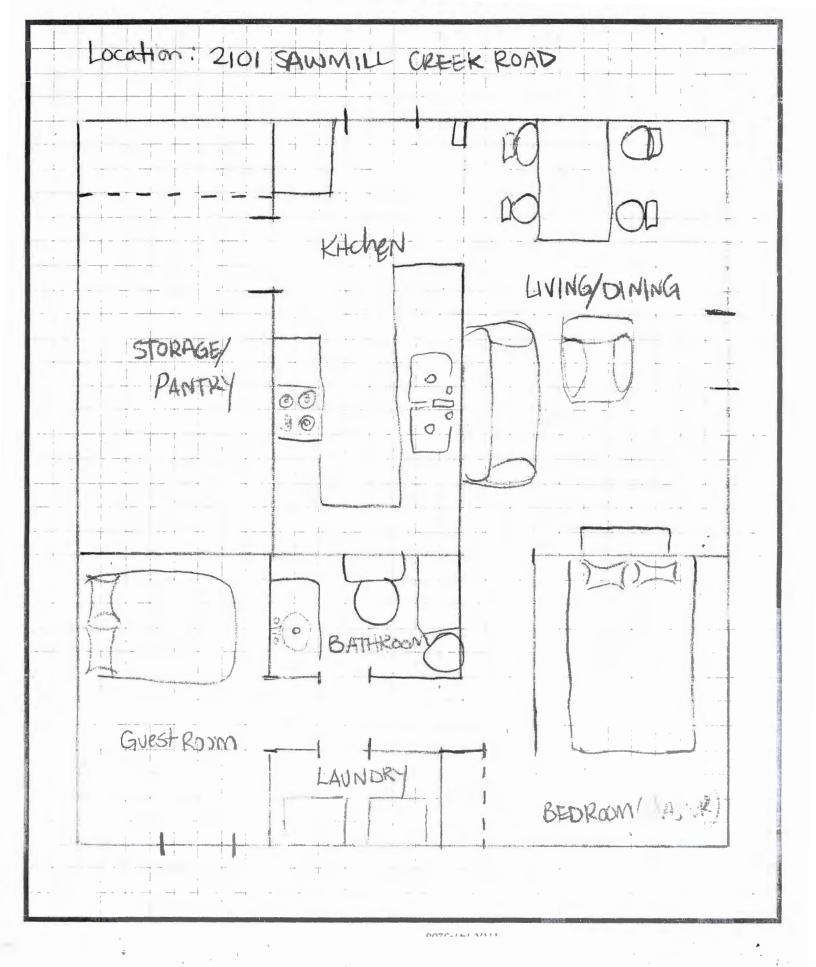
- 9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional 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.
- 12. The concerns for small animals housed outside are remedied within 6 months through code amendment, conditional use permit, or other appropriate means.

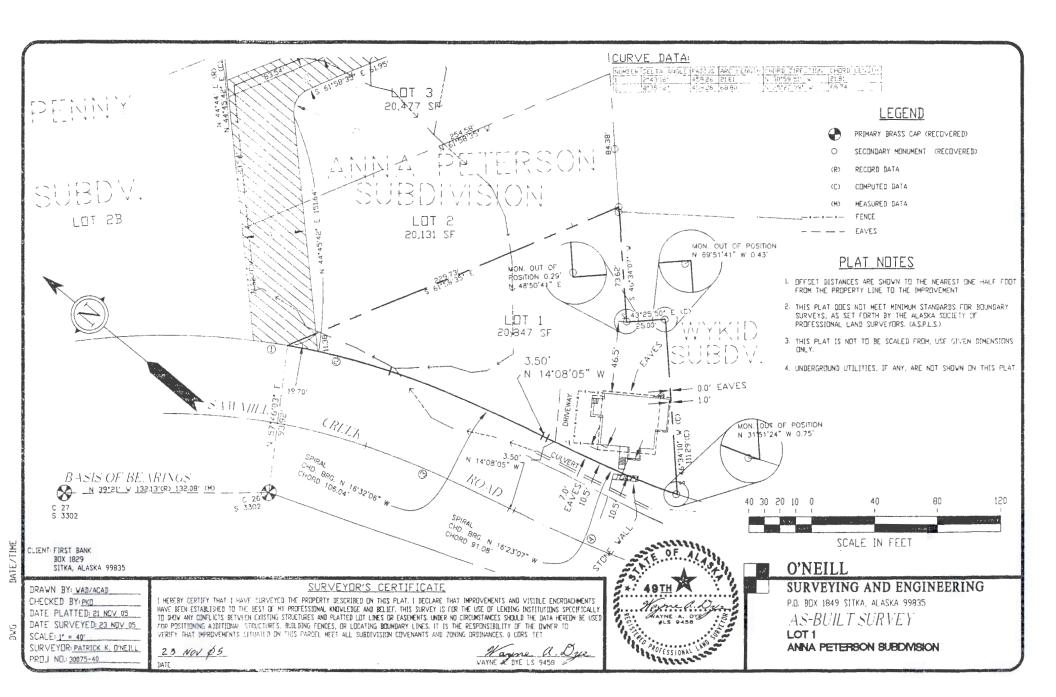


































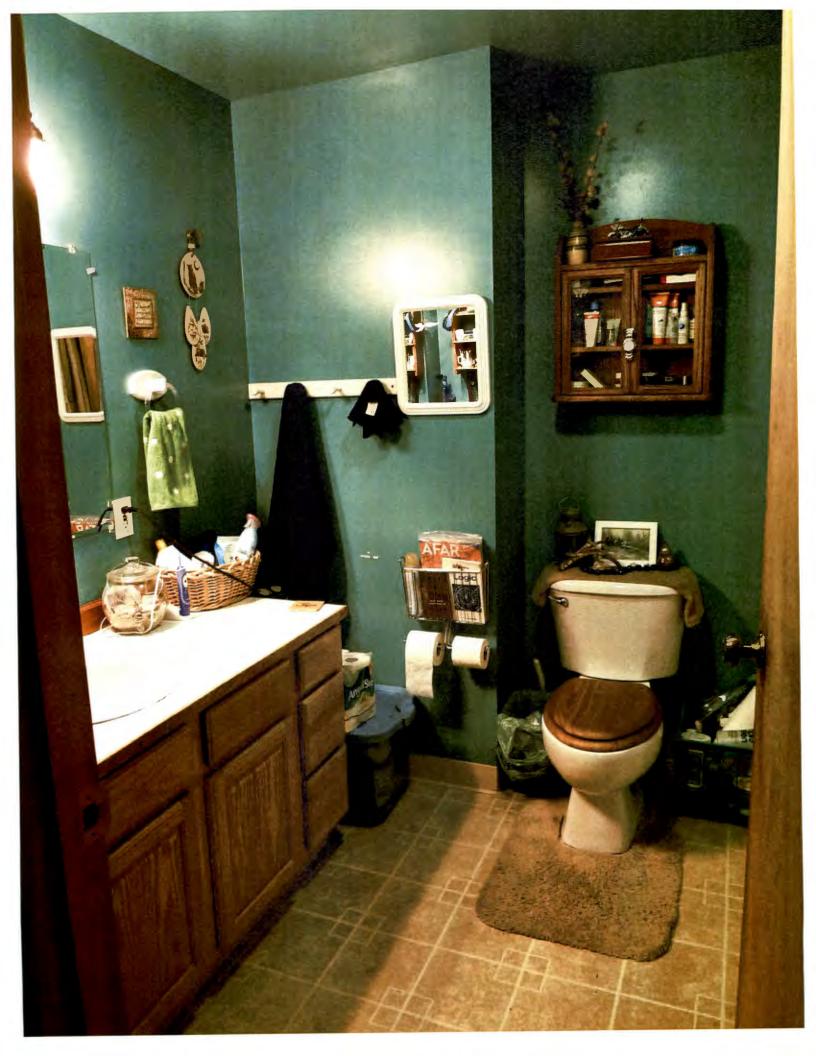














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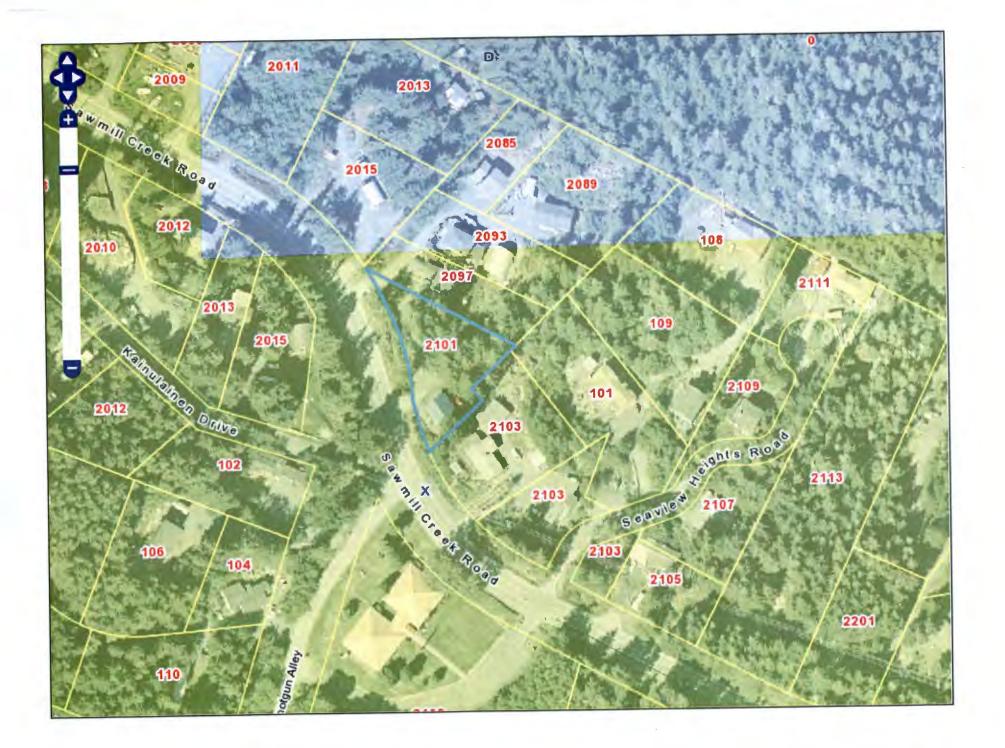
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

2. Review guidelines and procedural i	t will be considered without a completed form.			
APPLICATION FOR:	CONDITIONAL USE			
☐ ZONING A	MENDMENT PLAT/SUBDIVISION			
BRIEF DESCRIPTION OF REQUEST:	Short term housing Rental of			
I single Room via	AirBnb. Owner occupied			
PROPERTY INFORMATION:	^			
CURRENT ZONING: R1 LDMH PROPOSED ZONING (if applicable):				
CURRENT LAND USE(S): R1 LDMH	PROPOSED LAND USES (if changing):			
APPLICANT INFORMATION: PROPERTY OWNER: K9thryh PROPERTY OWNER ADDRESS: 210 STREET ADDRESS OF PROPERTY: 210 APPLICANT'S NAME: Kothryh R MAILING ADDRESS: 2101 SMC EMAIL ADDRESS: Sitka koala@Yo	Lose Petralong			
PROPERTY LEGAL DESCRIPTION: TAX ID: 3-1530-001 LOT:	Anna Poterson BLOCK: TRACT:			
SUBDIVISION:	US SURVEY:			
	OFFICE USE ONLY			
COMPLETED APPLICATION	SITE PLAN			
NARRATIVE	CURRENT PLAT			

PARKING PLAN

REQUIRED SUPPLEMENTAL INFORMATION: For All Applications:

For All Applications:	For Conditional Use Permit:
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
	Drainage and Utility Plan
CERTIFICATION:	
hereby certify that I am the owner of the property described above General Code and hereby state that all of the above statements are he best of my knowledge, belief, and professional ability. I acknowledge cover costs associated with the processing of this application, and describe will be mailed to neighboring property owners and published access the property to conduct site visits as necessary. I authorize the pehalf.	true. I certify that this application meets SCG requirements to edge that payment of the review fee is non-refundable, is to oes not ensure approval of the request. I understand that public in the Daily Sitka Sentinel. I further authorize municipal staff to
Owner	Date
certify that I desire a planning action in conformance with Sitka Gerrue. I certify that this application meets SCG requirements to the backnowledge that payment of the review fee is non-refundable, is to and does not ensure approval of the request.	est of my knowledge, belief, and professional ability. I
applicant (If different than owner)	Date



Parcel ID: 31040001 BENJAMIN/LORI DOWNING DOWNING, BENJAMIN, C./LORI, M. 2012 SAWMILL CREEK RD SITKA AK 99835 Parcel ID: 31040002 TRENT BAYNE BAYNE, TRENT, L. P.O. BOX 3002 SITKA AK 99835-3002 Parcel ID: 31041001

RANDALL/HILLARY NUTTING/MARTIN
NUTTING, RANDALL & MARTIN,
HILLARY
2015 KAINULAINEN DR.
SITKA AK 99835

Parcel ID: 31041002 ROBERT/CAROL POTRZUSKI POTRZUSKI, ROBERT, D./CAROL, S. 2013 KAINULAINEN DR. SITKA AK 99835 Parcel ID: 31043001 GERALD KAINULAINEN KAINULAINEN, G., DALE 101 KIKSADI CT SITKA AK 99835-9787 Parcel ID: 31046002 MICHAEL/MICHELL MAHONEY MAHONEY, MICHAEL & MICHELLE 204 NEW ARCHANGEL ST, #A SITKA AK 99835

Parcel ID: 31215000
CHURCH OF J.C. LATTER DAY SAINTS
ALASKA PM GROUP
CHURCH OF J.C. LATTER DAY SAINTS
P.O. BOX 771185
EAGLE RIVER AK 99577

Parcel ID: 31510002 LORETTA NESS NESS, LORETTA, J. 102 WINCHESTER WAY SITKA AK 99835 Parcel ID: 31520000
JAMES PENNY
PENNY, JAMES, P.
2013 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31521000 JAMES PENNY PENNY, JAMES, P. 2013 SAWMILL CREEK RD SITKA AK 99835 Parcel ID: 31530001 KATHRYN PETRABORG PETRABORG, KATHRYN, R. 2101 SAWMILL CREEK RD SITKA AK 99835 Parcel ID: 31530002 DIANE ANZIVINO ANZIVINO, DIANE 2097 SAWMILL CREEK RD SITKA AK 99835

Parcel ID: 31530003
BENJAMIN/MARGAR WHITE
*WHITE, BENJAMIN, C./MARGARET, A.
2093 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530004
PAUL/DINA BUSBY/AMAYA
BUSBY, PAUL/AMAYA, DINA, P.
2085 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530005

JACQUELINE/WYAT THOM/OJALA

THOM, JAQUELINE & OJALA, WYATT

2089 SAWMILL CREEK RD

SITKA AK 99835

Parcel ID: 31540001 DALE/LORI ADAMS ADAMS, DALE, L./LORI, L. P.O. BOX 6021 SITKA AK 99835-6021 Parcel ID: 31540002
KIM HANSEN REVOCABLE LIVING
TRUST
KIM HANSEN REV. LIVING TRUST
P.O. BOX 1095
SITKA AK 99835-1095

Parcel ID: 31541000 JOHN KIDD KIDD, JOHN, D. P.O. BOX 566 SITKA AK 99835-0566

Parcel ID: 31542000 ROBERT/ANNE CHADWICK CHADWICK, ROBERT/ANNE P.O. BOX 583 SITKA AK 99835-0583 Parcel ID: 31543000 STANLEY/KATHRYN JOHNSON JOHNSON, STANLEY & KATHRYN 108 SEAVIEW HEIGHTS RD SITKA AK 99835

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 7/12/17

To: Kate Petrabors

ACCOUNT # 100-300-320-3201.002

PLANNING & ZONING

PA	1	ID	
JUL	13	2017	

CITY & BOROUGH OF SITKA

Variance	•
Variance	35.00
Minor Subdivision.	
Major Subdivision	
Zoning Map Change	
Zoning Text Change	
Lot Merger	
Boundary Line Adjustment	
General Permit	
Appeal of Enforcement Action (Pending)	
Other	
Sales Tax	2.10
TOTAL	37.10

Thank you



2012-001153-0

Recording Dist: 103 - Sitka 8/7/2012 10:44 AM Pages: 1 of 2



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Kathryn Rose Petraborg

Address: P.O. Box 6067

Sitka, AK 99835

File No.: 0241-1878350 (JRN)

STATUTORY WARRANTY DEED

A

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THE GRANTOR, Chesa Cofini, whose mailing address is 2491 Greenwell Court, Wilmington, NC 28409, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, conveys and warrants to Kathryn Rose Petraborg, a single woman, residing at PO Box 6067, Sitka, AK 99835, the following described real estate, situated in the Sitka Recording District, First Judicial District, State of Alaska:

Lot 1, ANNA PETERSON SUBDIVISION, according to the official plat thereof, filed under Plat Number 2003-3, Records of the Sitka Recording District, Third Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: June 19 , 2012

Chesa Cofini

May 15, 2012

STATE OF

North Carolina

)) SS.)

Judicial District

THIS IS TO CERTIFY that on this 1974 June 1, before me the undersigned Notary Public, personally appeared Chesa Cofini, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

ZOBEZTL. ALLEN

Notary Public in and for North Carolina

My commission expires 04/24/2014



Page 2 of 2

