



# 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 18-19  
Proposal: Request for food truck/outdoor restaurant  
Applicant: Matthew/Julieanne Stroemer  
Owner: Adam/Kris Chinalski  
Location: 104 Cathedral Way  
Legal: Lot 2 Block 6 US Survey 1474 Tract A  
Zone: CBD Central Business District  
Size: 911 square feet  
Parcel ID: 10545000  
Existing Use: Undeveloped  
Adjacent Use: Commercial, Residential  
Utilities: Existing Electric  
Access: Cathedral Way, Sidewalk from Lincoln Street

### **KEY POINTS AND CONCERNS:**

- Proposed food truck for vending of cooked fish and similar foods
- Currently undeveloped lot is very small, constraining possible development
- Located in the Central Business District on private property
- DEC permit process has been initiated but not finalized
- Burden of proof is on the applicant to prove that any impacts can be mitigated

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a food truck/outdoor restaurant at 104 Cathedral Way subject to conditions of approval.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a food truck/outdoor restaurant at 104 Cathedral Way. The truck would be located on a privately owned, undeveloped lot of 911 square feet. The proposal is to prepare and serve locally-caught fish and similar food items. Typical hours of operation are 10:30 AM – 5:30 PM. Anticipated customers are tourists and locals. Applicant seeks to use the menu to highlight local seafood industry.

The truck is a 7 foot by 23 foot DMV licensed truck with triple sink, hand wash sink, service counter, prep area, storage, refrigerator, freezer, cooking equipment with hood fan and auto fire suppression, garbage, and tanks for fresh water and grey water. The truck will be removed from the site when not in use, and parked on a property zoned Industrial. DEC permitting has been initiated but is not finalized. Applicant proposes to hook the truck to municipal power. Fresh water and grey water will be stored in tanks and refilled/emptied at municipal facilities in accordance with local regulations. Garbage will be removed from the site and disposed of in accordance with local regulations.

At the closest, the awning would come to two feet of the sidewalk. The proposed location of the truck would place the truck at 22 feet from the corner of the Shee Atika building and cooking equipment would be 25 feet from the Radio Shack building. Site plan includes food truck with awning, umbrella table seating, and several decorative planters.

Cathedral Way has sidewalks but no parking. The proposal shows no on-site parking. A condition of approval mandates that operators do not allow vehicles to stall/park on Cathedral Way, the sidewalk, or this property.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** Most customers expected to be pedestrians, locals and tourists. Traffic is to be expected in the Central Business District, although there is no parking on-site or on Cathedral Way. No on-site parking required in the Central Business District. See item g for additional discussion and condition of approval.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Applicants will hook up to municipal power, so generator odors are not anticipated. Applicant reports that minimal noise will

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<sup>1</sup> § 22.24.010.E

be generated from a hood fan. Additional sounds consistent with the Central Business District, such as conversation, are expected. No sounds expected that would be out of character with the CBD.

**c. Odors to be generated by the use and their impacts:** Applicants will hook up to municipal power, so generator odors are not anticipated. Cooking of fish and other foods will result in some odors. Food and beverage odors are to be expected in the Central Business District.

**d. Hours of operation:** Primarily 10:30 AM – 5:30 PM

**e. Location along a major or collector street:** Pedestrian access from Lincoln Street or Seward Street to Cathedral Way.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No cut-through concerns anticipated. The Central Business District has numerous vehicular and pedestrian routes.

**g. Effects on vehicular and pedestrian safety:** Cathedral Way has sidewalks. The truck and any accompanying equipment will be on private property. No parking on-site or on Cathedral Way. While the majority of the sales are anticipated to be to pedestrians, it is possible that some motorists may attempt to pull onto the sidewalk and quickly purchase food. A condition of approval requires that the applicant and any operators enforce no parking or stalling on-site or on Cathedral Way.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Lot is directly adjacent to Cathedral Way, a municipal right-of-way.

**i. Logic of the internal traffic layout:** The lot is currently undeveloped, and this is the only proposed use for the property. Truck is situated to allow required space between cooking equipment and adjacent buildings. Awning will be 2 feet from the sidewalk. Set-up will include food truck with awning, two umbrella table seating options, and several decorative planters.

**j. Effects of signage on nearby uses:** No permanent signage.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** No significant structural buffers. One adjacent building has no windows or doors on the side adjacent to this lot. The boundary with the other property is marked with a chain link fence, which is expected to remain. Truck is situated to allow required space between cooking equipment and adjacent buildings. The truck will be located on private property in a manner in which to reduce impacts navigability of sidewalks and streets.

**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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic

base” by allowing for an economic enterprise that makes use of a parcel that is otherwise difficult to develop. Applicant cited Comprehensive Plan sections discussing Sitka’s vibrant downtown, developing the workforce, promoting innovation and entrepreneurship, and supporting/growing existing businesses, and these are discussed further in his application (see attachment).

**m. Other criteria that surface through public comments or planning commission review:** No restrooms proposed. Public restrooms available one block away at the intersection of Lincoln and Lake Streets.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit request for a food truck at 104 Cathedral Way subject to conditions of approval.

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### **Motions in favor of approval:**

1) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, all public health and safety codes will be strictly applied according to state and city laws;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, it will beautify the vacant lot and highlight local fishing industry;* 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, waste products will be handled in accordance with municipal utility programs;*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing for an economic enterprise that makes use of a parcel that is otherwise difficult to develop.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.*

2) I move to approve the conditional use permit application for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

Conditions of Approval:

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times that the conditional use permit is utilized.
2. Operations shall not obstruct safe sidewalk passage.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The applicant and any operators shall enforce no parking or stalling on-site or on Cathedral Way.
5. The Planning Commission, at its discretion and upon receipt of meritorious complaint, 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. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.