



City and Borough of Sitka

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Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director *AA*

Date: April 16, 2021

Subject: **Amendment to CUP 18-05 for additional space**

CUP 18-05, a conditional use permit for marijuana cultivation at 224 Smith Street, was approved by the Commission in February 2018. Van Green's, operated by Eric van Veen, has been operating in the space since that time, and currently utilizes bays D and E of the building.

With more space becoming available in the building, Van Green's would like to use this opportunity to expand their cultivation operation. The requested amendment to their original permit is to add units B and C to operational space in addition to D and E. The applicants are going through the appropriate AMCO process in order to expand their grow space.

Location, access, and traffic remain largely unchanged. The property is accessed from Smith Street, a municipal right-of-way and a commonly used road within this industrial area. Our most intensive uses and activities are expected to be housed in this zone.

There are 9 parking spaces identified at the rear of the building (sized 10' x 18') with ample open space for more as needed. Per SGC 22.20.100(G)(13), one space for each four hundred square feet of gross floor area, or for every three employees, is required for industrial or manufacturing buildings. The original square footage approved was a total of 2,784 square feet. The additional space represents approximately 2,964 square feet, making a total of 5,748 square feet. This would imply a parking requirement of 15 parking spots. The original application described that there would be five employees – the applicant has stated that this expansion may necessitate one additional employee (but is still to be determined). This would imply a parking requirement of two parking spaces. On either front, staff feels that parking needs can be adequately met between the dedicated parking spaces and other available open space on the lot.

Noise, odor, or other adverse impacts are always a potential for any industrial operation, and for marijuana cultivation in particular. Staff feels that all of the original conditions of approval should remain in place in order to adequately address concerns/impacts if they were to arise.

Recommendation

The Comprehensive Plan Economic Development action ED 6.7 aims to “Support growth of manufacturing businesses that add value to sustainably developed local resources.” Marijuana cultivation makes use of local space, labor, and electricity. Staff recommends approval of this amendment.

Attachments:

Attachment A: Aerial

Attachment B: Floor Plans

Attachment C: Parking Plan

Attachment D: Photos

Attachment E: Original CUP Information

Attachment F: Applicant Materials

Recommended Motions:

“I move to approve the amendment to CUP 18-05 to include marijuana cultivation operations in bays B and C of 224 Smith Street in the Industrial zoning district. The property is also known as Lot 6, Smith Street Industrial Subdivision. The request is filed by Eric van Veen. The owners of record are George and Steven Skannes.”

Conditions of approval:

1. Operation of the site is consistent with the narrative and applications as presented in the amendment request.
2. All original conditions of approval as approved in CUP 18-05 remain in effect.
3. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.

“I move to find that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and move to adopt the required findings¹ for conditional use permits as listed in the staff report”

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.
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.

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

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.