



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 21-08
Proposal: Request for dwelling unit on first floor
Applicant: Lenise Henderson-Fontenot
Owner: Lenise Henderson-Fontenot
Location: 302 Monastery Street
Legal: A portion of Lot 3, Block 16, US Survey 1474, Tract A
Zone: CBD Central Business District
Size: 5,658 square feet
Parcel ID: 1-2195-000
Existing Use: Single family home and garage
Adjacent Use: Residential, Elementary School, Police Station, Offices
Utilities: Existing
Access: Monastery Street

KEY POINTS AND CONCERNS:

- Dwelling units on the first/ground level of a structure in the Central Business District is a conditional use in the zoning code
- Proposal is to rebuild a garage on the site and add a studio apartment with 1 bathroom, and an office.
- Location is away from main shopping/highly visible areas
- Immediate surrounding area is single-family – proposal is consistent with the character of the neighborhood

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a dwelling unit on the first floor of a structure in the Central Business District at 302 Monastery Street subject to conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

Footnote 12 to Table 22.16.015-1 Residential Land Uses states “Single or multiple apartments shall only be permitted on the first floor of structures in the CBD if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD.” Staff’s interpretation of the intent of this code provision is to preserve commercial and retail space in the central business district, particularly those on the first floor that is accessible and visible.

The request is to rebuild a garage that is currently on the site and expand it. The new structure would include:

- Garage: Approx. 320 square feet, 16’ x 20’
- Studio apartment: Approx. 272 square feet, 1 bathroom and laundry
- Separate office space (not accessible from apartment): Approx. 112 square feet with half bath attached – half bath approx. 24 square feet.

This section of Monastery Street is largely single-family structures which are not allowed in CBD – these structures are considered legal non-conforming. Given the lack of retail buildings on this stretch of Monastery Street, staff feels the intent of this code provision (protecting visual/aesthetic value of shopping street and preservation of commercial/retail space) does not clearly apply in this case.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: A slight increase in traffic could be experienced by adding a dwelling unit. Moderate to heavy vehicular and foot traffic is to be expected in the Central Business District.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise impact should be minimal – living space is a small studio that would likely house a single person, perhaps up to 2 people.

c. Odors to be generated by the use and their impacts: None anticipated – should be in line with normal residential use

d. Hours of operation: N/A

e. Location along a major or collector street: Accessed from Monastery Street, a municipally maintained right-of-way.

¹ § 22.24.010.E

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 for vehicular traffic anticipated. The only way to access this section of Monastery Street is via Oja Way or Sawmill Creek Road.

g. Effects on vehicular and pedestrian safety: Parking for at least one car (perhaps two) is available. Parking requirements do not pertain to the Central Business District.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible for police, fire, and EMS response.

i. Logic of the internal traffic layout: Pull in parking from Monastery Street available on site as is street parking.

j. Effects of signage on nearby uses: None.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Building is set far back from Monastery Street. There is a tall fence on the rear to provide buffer from Baranof Elementary. There are also fences on both sides of neighboring residential properties.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to the chapter on housing goals to expand the range, affordability, and quality of housing in Sitka by offering housing in the desirable downtown area.

m. Other criteria that surface through public comments or planning commission review: None at this time.

RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit request for a dwelling unit on the first floor of a structure in the Central Business District at 302 Monastery Street subject to conditions of approval.

ATTACHMENTS

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Photos

Attachment C: Applicant Materials

Motions in favor of approval:

- 1) I move to approve the conditional use permit application for a dwelling unit on the first floor of a structure in the Central Business District located at 302 Monastery Street in the Central Business District subject to the attached conditions of approval. The property is also known as A Portion of Lot 3, Block 16, US Survey 1474, Tract A. The request is filed by Lenise Henderson-Fontenot. The owner of record is Lenise Henderson-Fontenot.**

Conditions of Approval:

1. The structure shall be used consistent with the application, narrative, and plans that were submitted with the request.
2. 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.
3. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.

- 2) I move to adopt the required findings for conditional use permits² as listed in the staff report:**

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.

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