



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 21-09
Proposal: Day Care with five or more children
Applicant: Kaycie Coleman
Owner: Michael and Tessie Coleman
Location: 2840 Sawmill Creek Road
Legal: Lot 1, R. & C. Hammack Subdivision Lot Line Adjustment
Zone: R-1 LDMH – Single-family/manufactured home low density district
Size: 57,755 square feet
Parcel ID: 3-1740-001
Existing Use: Single family home
Adjacent Use: Single family homes
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Single-family home is currently being used for smaller day care operation. Applicant would like to expand operations to have no more than eight (8) children on site.
- In-home day cares with four or less children not related to the provider are permitted home occupations in this zone – day cares with five or more children not related to the provider are conditional uses.
- There are significant buffers and distances between surrounding neighbors and the right-of-way.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a daycare with five or more children at 2840 Sawmill Creek Road subject to conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

Footnote 6 to Table 22.16.015-3 General Services Uses states “Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.... Day cares with five children or more not related to the provider are a conditional use in owner occupied detached single-family dwellings only, in the R-1 and related zones.”

The applicant has been running an in-home day care with four or less children since September 2020. She would like to expand her operations to have no more than eight (8) children on site.

This area of Sawmill Creek Road is low density which has resulted in significant distances between homes, between homes and the right of way, and ample vegetation to serve as buffers between properties. The use of this location for expanded day care use is ideal – the children have access to safe outdoor play space and nearby recreation, and neighbors are unlikely to experience adverse impacts.

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 during drop-off and pick-up times could be experienced. Sawmill Creek Road is a large, State maintained right-of-way and should be able to handle the increase in traffic. Surrounding neighbors in the subdivision would only be impacted for short periods of time on weekdays.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise impact should be minimal, mostly “children at play” type sounds when utilizing the outdoor area. Given the significant distance between the play area and nearby structures, as well as use being limited to daytime hours, significant noise disturbance is unlikely.

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: Generally 7:00 AM to 5:30 PM, Monday through Friday.

e. Location along a major or collector street: Located on Sawmill Creek Road, a AKDOT maintained highway.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Site is accessed directly off the right-of-way, there are no alternative routes to the property through other neighborhoods.

¹ § 22.24.010.E

g. Effects on vehicular and pedestrian safety: Pick-up and drop-off areas are set far back from the street, therefore safety concerns are minimal.

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: Site has a large “loop” driveway to follow. There is a parking area near the play area or pull-up parking up towards the house.

j. Effects of signage on nearby uses: None.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: House is approximately 300 feet back from the road, and the outdoor play area is approximately 200 feet from the road. The nearest home is over 100 feet away. The property backs to waterfront, and has substantial vegetation around it to provide buffering.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: The Comprehensive Plan speaks to the need for workforce development and youth engagement, with an emphasis on retaining local employment. Expanded day care services would result in more robust employment for the provider as well as supporting working parents in Sitka in need of childcare.

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 day care with five or more children at 2840 Sawmill Creek Road subject to conditions of approval.

ATTACHMENTS

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Site Plan

Attachment D: Photos

Attachment E: Applicant Materials

Motions in favor of approval:

- 1) I move to approve the conditional use permit application for a day care with five or more children at 2840 Sawmill Creek Road in the R-1 LDMH zoning district subject to the attached conditions of approval. The property is also known as Lot 1, R. & C. Hammack Subdivision Lot Line Adjustment. The request is filed by Kaycie Coleman. The owners of record are Michael and Tessie Coleman.**

Conditions of Approval:

1. The day care shall be operated consistent with the application, narrative, and plans that were submitted with the request.
2. The number of clients is limited to eight (8) children at any given time not including any children of the owner.
3. Permit and use shall comply with all applicable local, state, and federal regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.
4. 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.

- 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

