



City and Borough of Sitka

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Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 21-10
Proposal: Food Truck
Applicant: Joshua and Jennifer Meabon
Owner: Christopher S. Bowen
Location: 331 Lincoln Street
Legal: A Fractional Portion of Tract J, U.S. Survey 404
Zone: CBD Central Business District
Size: 7,866 square feet
Parcel ID: 1-0600-000
Existing Use: Entertainment and food vending
Adjacent Use: Retail, church, restaurants, hotel
Utilities: Existing
Access: Lincoln Street

KEY POINTS AND CONCERNS:

- Lot has become a popular location for food trucks/stands downtown – there are 2 conditional use permits for food trucks at this location.
- Proposal is for a food truck offering burgers, hot dogs, fried bread, smoothies, and other beverages

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a food truck in the Central Business District at 331 Lincoln Street subject to conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

Footnote 8 to SGC Table 22.16.015-6, “Retail and Business Uses” has the follow provisions for temporary structures/food vending in the CBD: *“Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.”*

While there has been some debate on the interpretation of this code provision, there is fairly clear precedent for interpreting that food trucks or trailers that one operates from the inside (as opposed to a cart one stands behind) are conditional uses in the CBD. Two other food trucks are operating on this lot, both of which were required to obtain conditional use permits. As their use, along with that of the current request, is largely unrelated to the Coliseum operations, none of these cases met the “clearly incidental” standard as the code states. It is for these reasons staff felt it most appropriate to require a conditional use permit in this case.

The applicants would like to utilize an approximately 30’ x 8’ converted truck for their operations. Menu offerings include burgers, hot dogs, fried bread, smoothies, and other beverages. The unit is to be powered with a generator.

Previously issued conditional use permits at this site include:

- CUP 15-08: Ashmo’s food truck
- CUP 18-04: Youth Advocates of Sitka smoothie truck

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, moderate to high traffic is expected in this district. On street parking is available in front of the property.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise impact is possible concern. According to the specifications of the generator that is to be utilized, expected noise level is 74 dB. According to a Levels of Noise chart provided by the American Academy of Audiology, 74 dB is classified as “Loud”, and akin to traffic noises or a vacuum running.

c. Odors to be generated by the use and their impacts: Some cooking/food preparation odors could result. This is expected in the CBD.

¹ § 22.24.010.E

d. Hours of operation: Operational plans are largely for lunch and mid-evening dinner service. Requested hours are 6AM – 10PM daily.

e. Location along a major or collector street: Accessed from Lincoln Street, a municipally maintained right-of-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 for vehicular traffic anticipated. The only way to access this section of downtown is from Lincoln Street or perhaps the unnamed alley connecting Seward and Lincoln streets.

g. Effects on vehicular and pedestrian safety: None anticipated, applicants are expected to keep the sidewalk free and clear.

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: No parking on the site, walk up access from the sidewalk or on-street parking available in front of the property.

j. Effects of signage on nearby uses: None other than the truck itself.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Coliseum building behind the proposed truck spot is tall and deflects noise and visual impact from the rear of the property.

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 Economic Development that supports promoting new entrepreneurial business, supporting the local tourism markets and also locals; bring more outside money in, and keeping more local money local.

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

ATTACHMENTS

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Site Plan

Attachment D: Menu

Attachment E: Photos

Attachment F: American Academy of Audiology Levels of Noise

Attachment G: Applicant Materials

Motions in favor of approval:

- 1) I move to approve the conditional use permit for a food truck at 331 Lincoln Street in the Central Business District subject to the attached conditions of approval. The property is also known as A Fractional Portion of Tract J, U.S. Survey 404. The request is filed by Joshua and Jennifer Meabon. The owner of record is Christopher S. Bowen.**

Conditions of Approval:

1. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
2. Operations shall not obstruct safe sidewalk passage.
3. Permit and use shall comply with all local, state, and federal regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes. This includes, but is not limited to, maintaining DEC Food Safety and Sanitation permits and approval from the local Fire Marshal to ensure the cart meets safety requirements.
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.

² § 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.