



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

A Coast Guard City

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 21-16
Proposal: Eating & Drinking Place
Applicant: Shee Atika, Inc.
Owner: City and Borough of Sitka
Location: 4951 Halibut Point Road
Legal: A portion of Lot 1, US Survey 3670
Zone: R Recreation district
Size: Approx. 17.1 acres
Parcel ID: 2-5390-000
Existing Use: Vacant
Adjacent Use: Residential, Recreation, Commercial
Utilities: Available from HPR & Adjacent Tidelands
Access: Halibut Point Road

KEY POINTS AND CONCERNS

- Property was recently rezoned from R-1 single family and duplex residential district to the Recreation district. Three new conditional uses were also added to this zone including eating and drinking places.
- Property is owned by CBS and leased to the applicants.
- Development of this property is in-line with previously reviewed proposal in the No Name Mountain/Granite Creek Master Plan as well as the Request for Proposals issued for this property.

RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit for an eating and drinking place at 4951 Halibut Point Road subject to the recommended conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

In the No Name Mountain/Granite Creek Master Plan, future uses identified for this particular property included either commercial recreation or high-end residential development. At the conclusion of the plan, the Assembly directed staff to issue a Request for Information (summer 2020) to gauge the market interest in how the land should be developed. After analyzing the responses, the Assembly directed staff to issue a Request for Proposals (winter 2020-2021) for the sale or lease of the property with an open call for development ideas. CBS received one response to that RFP from Shee Atika, Inc. and its partner, Adventure Sitka, LLC with a proposal to develop the site for commercial recreation. The Assembly approved a lease of the land to Shee Atika in late August, as well as the associated rezoning of the property and zoning text amendments to the Recreation district. Shee Atika is now pursuing the conditional use permits necessary for the intended development.

The site has largely three elements; the cultural tour, the aerial adventure park, and the salmon feast (with the latter being the subject of this permit). For the salmon feast, approximately 120 guests will be given a presentation with cultural information on the role salmon played in the lives of Tlingit people and how it has been traditionally used/prepared. A large grill will be set up under a cooking shelter (approximately 10' x 20' in size) to prepare salmon and serve to guests. After the meal, guests will have about 30 minutes to explore the site and walking trails before the excursion ends.

Operation of the salmon feast will be from May through October while cruise ships are in port (generally 8am to 5pm). This is not a full-service restaurant and operates more like a tour/excursion.

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:

As the property is currently vacant, any development will result in a significant increase in traffic to the site than is experienced now. However, given the proximity of this property to the private cruise ship dock, the Starrigavan recreation area, and the ferry terminal, heavy traffic (particularly in the summer months) is experienced in the area. Given that proposal is not for a traditional restaurant but rather a tour/excursion model, traffic to be generated is primarily bus traffic. Buses will loop from the site to the cruise terminal to transport passengers. The applicant is working with ADOT to local ideal driveway locations taking line-of-sight into account.

b. Amount of noise to be generated and its impacts on surrounding land use: Additional noise generation is expected, primarily tour narration and conversation. Given the size and nature of the property (topography, vegetation), sound should be somewhat buffered/muffled. Hours of operation should also limit noise disturbance for surrounding properties.

¹ § 22.24.010.E

c. Odors to be generated by the use and their impacts: The applicants will be expected to properly manage waste so as not to attract bears or other wildlife to the site.

d. Hours of operation: Generally 8am – 5pm when cruise ships are in port May through October.

e. Location along a major or collector street: Located along Halibut Point Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Cut-through scenarios are unlikely, Halibut Point Road is the only road access to the site.

g. Effects on vehicular and pedestrian safety: Siting for driveway cuts will be chosen to maximize visibility, as this is the most apparent risk to vehicular and pedestrian safety.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Property has adequate access from Halibut Point Road for emergency services.

i. Logic of the internal traffic layout: Parking is proposed near the right-of-way, a loop down to a lower parking lot (with additional parking and a bus loop), as well as a parking lot on the northern end of the site to accommodate public parking for use of the walking trails.

j. Effects of signage on nearby uses: All signage shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Property is buffered by Sitka Sound on its seaward side. Site has rolling topography and is heavily vegetated. Development plans for the site state a preference to preserve as much vegetation/the natural setting as possible.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Economic Development Action 6.5 states, “Support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises.” The development of this property provides another attraction/dispersion point for visitors.

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

RECOMMENDATION

The Planning Department recommends that the Planning Commission approve the conditional use permit application for an eating and drinking place at 4951 Halibut Point Road subject to the recommended conditions of approval.

ATTACHMENTS

Attachment A: Aerial

Attachment B: Site Plan

Attachment C: Structure Elevation View

Attachment D: Operational Plan

Attachment E: Photos

Attachment F: Applicant Materials

Motions in favor of approval

- 1) **“I move to approve the conditional use permit for an eating and drinking place at 4951 Halibut Point Road in the Recreation district, subject to the attached conditions of approval. The property is also known as a portion of Lot 1, U.S. Survey 3670. The request is filed by Shee Atika, Inc. The owner of record is the City and Borough of Sitka.**

Conditions of Approval:

1. The proposal and associated structures shall be operated consistently with the application, narrative, and plans that were submitted with the request. This includes the operational plan and hours/season of operation.
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 and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

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;
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site in 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.

² §22.30.160(C)—Required Findings for Conditional Use Permits

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.