

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report
July 28, 2022

Applicant: Heather and Matt Mendonsa

Requested Action: Conditional Use Permit – B&B in a Residential Zone

Location: Lot 3A, Block 3A, USS 1430 CTA ATS (403 Beach Rd)

Lot Size: 14,000 SF

Zoning: High Density Residential

Surrounding Uses: North: High Density Residential
West: High Density Residential
South: Tidelands
East: High Density Residential

Analysis

Heather and Matt Mendonsa have applied to the City of Craig Planning Commission for a conditional use permit to operate a bed and breakfast (B&B) in a Residential Zone, located at 403 Beach Rd (Lot 3A, Block 3A, USS 1430 CTA ATS). The applicants are looking to continue to rent out up to two rooms in the owner-occupied structure. The application contains a site plan adapted from an old building permit with sketched parking spots and measurements outlining available parking.

Up to five off-street parking spots are available on the property according to the sketch and their accompanying measurements. Three parking spots are used by the residents and two parking spots are set aside for B&B guests. The building contains five bedrooms requiring a total of four parking spaces (three spots for building owners, two spots for guests). One parking spot requires parallel parking. Some of the structures depicted in the site plan do not agree with what is on the ground. The parking space to the far west of the lot next to the parallel parking space for instance has a stairway that is shifted back providing more room for parking than depicted. A check-in with Police Chief Ely revealed that no parking issues had arisen at this property in a number of years, although he admitted that the parking is quite tight on this property.

This Bed and Breakfast had been run by the previous property owners Tammy and Aimee Demmert. Tammy Demmert had her B&B CUP approved for this property in 2004 to manage overflow from her other approved B&B (Inn of the Blue Heron). Aimee Demmert was the second owner to operate a B&B on the property after her CUP was approved in 2017. Our records show that Aimee Demmert sold the property to Heather and Matt in mid-February 2022 and that although sales taxes for the B&B have been paid to the city, Heather

and Matt had not yet had a CUP reviewed by the Planning Commission. When a property transfers to a new owner, the old CUP is non-transferable and therefore a new CUP under the new owner must be reviewed and approved.

Per 18.06.002 of the LDC, the following criteria shall be met before a conditional use permit may be issued:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided. (See Chapter 18.14, Parking.)
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

Criteria 1-12, 13 and 15 of this section appear to be met on the face of the application. The commission should discuss Criteria 11 and 14 at the public hearing on July 28, 2022.

Further conditions for a bed and breakfast are (Chapter 18.16):

1. An owner-occupied structure.
2. Three or fewer rental rooms.
3. Maximum length of stay of thirty (30) days.
4. The residential character of the neighborhood is retained.

These conditions appear to be met on the face of the application.

Recommendation

That the planning commission discuss the required criteria for approval at the July 28, 2022 meeting and consider adoption of Resolution 601-22-PC granting a CUP to Heather and Matt Mendonsa to operate a Bed and Breakfast in a Residential Zone, located at 403 Beach Rd (Lot 3A, Block 3A, USS 1430 CTA), subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the conditional use is accessory to a principal owner residential use. The owners occupying the residence during conduct of the Bed and Breakfast must be a legally recorded owners of the property. The owner occupant must be an owner of record or purchaser of record according to the system of land title recording established pursuant to AS 44.37. The city shall retain the right to ensure that a legal owner is present for at least 75% of the days that guests are in residence;
3. that all parking for personal use and customer use will be off-street.;
4. that the bed and breakfast will be limited to three rooms.;
5. that all sales tax due on the operations covered by this permit must be paid within 30 days of the end of the quarter that the sales were made.
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.;
7. the conditional use permit will be reviewed by the Planning Commission 12 months after approval to ensure compliance with these provisions.

CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 601-22-PC

GRANTING A CONDITIONAL USE PERMIT TO HEATHER AND MATT MENDONSA TO OPERATE A BED AND BREAKFAST AT 403 BEACH RD, LOT 3A, BLOCK 3A, USS 1430 CTA ATS.

WHEREAS, the Planning Commission held a public hearing on July 28, 2022; and,

WHEREAS, public notice was given in accordance with Section 18.06.002 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.002 of the Craig Land Development Code are met as follows, subject to the conditions listed below:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided.
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.

14. That other relevant objections made evident at the public hearing are addressed.
15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission grants Heather and Matt Mendonsa a conditional use permit to operate a bed and breakfast in a Residential Zone, located at 403 Beach Rd (Lot 3A, Block 3A, USS 1430 CTA), subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the conditional use is accessory to a principal owner residential use. The owner occupying the residence during conduct of the Bed and Breakfast must be a legally recorded owner of the property. The owner occupant must be an owner of record or purchaser of record according to the system of land title recording established pursuant to AS 44.37. The city shall retain the right to ensure that a legal owner is present for at least 75% of the days that guests are in residence.;
3. that all parking for personal use and customer use will be off-street.;
4. that the bed and breakfast will be limited to three rooms;
5. that all sales tax due on the operations covered by this permit must be paid within 30 days of the end of the quarter that the sales were made.
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.;
7. the condition use permit will be reviewed by the Planning Commission 12 months after approval to ensure compliance with these provisions.

Approved this 28th day of July, 2022

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner