



## Agenda Statement

**File #:** 19-0217      **Version:** 1

**Type:** New Business      **Status:** Passed

**File created:** 5/6/2019      **In control:** Planning and Zoning Commission

**On agenda:** 5/9/2019      **Final action:** 5/9/2019

**Title:** Approval of Temporary Land Use Permit 19-05 for Christine O'Connor for the Roadside Potatohead Restaurant for Six Months on 325 Square Feet of Public Right-of-Way Immediately Adjacent to Lot 12, Block 40, Harbor Subdivision

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019 TLUP Application, 2. Staff Comments, 3. Temporary Land Use Permit 19-05. 2019-04-30.Clean.Revised

| Date     | Ver. | Action By                      | Action   | Result |
|----------|------|--------------------------------|----------|--------|
| 5/9/2019 | 1    | Planning and Zoning Commission | approved | Pass   |

**ITEM TITLE:**

Approval of Temporary Land Use Permit 19-05 for Christine O'Connor for the Roadside Potatohead Restaurant for Six Months on 325 Square Feet of Public Right-of- Way Immediately Adjacent to Lot 12, Block 40, Harbor Subdivision

**SUBMITTED BY:** Nicole LeRoy, Planning Technician

**FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

**RECOMMENDATION:**

Approve temporary land use permit 19-05 for the Roadside Potatohead Restaurant and Christine O'Connor for six months for a 325 square foot portion of public right-of- way immediately adjacent to her restaurant at Lot 12, Block 40, Harbor Subdivision

**SUMMARY STATEMENT:**

On April 19, 2019, Planning Department staff received a temporary land use permit application 19-05 from Christine O'Connor of the Potatohead Restaurant for a 325 square foot portion of public right-of-way adjacent to Lot 12, Block 40, Harbor Subdivision. The application is for temporary outdoor restaurant seating for May through September, 2019.

This area has been utilized by the Potatohead for outdoor restaurant seating for at least the past

three years. In 2018, staff completed an assessment of the area by measuring thirty and fifty feet from the center lines of Chitina and Harbor Drives which revealed three picnic tables at the Potatohead sit partially in the public right-of-way off Chitina Drive.

Staff notified Christine O'Connor that a temporary land use permit would be required to account for the 325 square feet of outdoor restaurant space extending into the public right-of-way and Ms. Connor received a temporary land use permit for the area in 2018. Ms. O'Connor was sent notification in February of 2019 inviting her to apply for temporary land use permit again if she was interested in pursuing the same outdoor seating this year.

Staff does not believe approval of this permit presents any violation of the Americans with Disabilities Act, as the public sidewalk would remain unobstructed under this permit.

Pursuant to Valdez Municipal Code 17.48.140 B 2e, temporary land use permit requests not to exceed six months in duration may only be granted by the Planning and Zoning Commission. Fees for temporary land use permits of this type were established by City Council with Resolution #12-36 which states that "for permits not exceeding two acres in size, and for a period of six months or less, the fee shall be \$250 per month." For the six month period Christine O'Connor has requested, the permit fee will be \$1500.00

Per VMC 17.48.140 B2k, if temporary land use permit 19-05 is approved by the Planning and Zoning Commission, the decision will be reported to City Council. Only upon no objection from City Council will the permit will become effective, after which, staff will prepare a temporary land use permit using standard language approved by the City attorneys and include any conditions required by the Commission (see attached draft.)