

PLANNING COMMISSION STAFF REPORT

SPECIAL USE PERMIT – 200 CHIEF JOHN LOTT ST

Action #:	2026-802	Meeting Date:	August 11, 2026
Applicant(s):	Kitos LLC	Property Owner(s):	Kito's LLC
Agent/Representative:	-	Property Address:	200 Chief John Lott Street
Legal Description:	Lot 1B, Block B, Kito's/Lock's Subdivision, Plat No. 2005-13	Parcel ID:	01-007-382
Lot Size:	8,463 sf	Current Zoning:	Commercial-2 (C-2)
Comp Plan Designation:	Downtown Historic	Request Type:	Special Use Permit

A. EXECUTIVE SUMMARY

Applicant Request	The applicant requests a Special Use Permit to authorize the continued use of a portion of the Chief John Lott Street right-of-way, adjacent to the subject property, for the ground landing of an existing exit stairway, porch, and wheelchair ramp serving Kito's Public House.
Staff Recommendation	Recommend approval to the Borough Assembly
Key Issues	The stairway, porch, and ramp are existing improvements that have occupied a portion of the right-of-way since at least 1992 under a prior Special Use Permit issued to Kito's Kave, Inc. The permit is not transferable to a new permittee; a new Special Use Permit is required under the current ownership/operation.

B. PROJECT DESCRIPTION

Type of Request	Use of Borough right-of-way for private improvements — PMC 19.76.010
Description of Use	Ground landing of an exit stairway, porch, and wheelchair ramp extending from the structure on Lot 1B, Block B, into a portion of the Chief John Lott Street right-of-way. The improvements are already constructed and in use, having been carried forward from a prior ownership/permit.
Current Use of Property	Commercial
Proposed Use of Property	Same (commercial); no change in use
Site Improvements	Existing exit stairway, porch, and ADA-compliant wheelchair ramp
Timeline	Improvements are already in place; no new construction proposed

C. SITE CHARACTERISTICS

Legal Access	Chief John Lott Street
Utilities	Municipal water, wastewater, power in use

Existing Structures	Kito's (existing commercial building) with exit stairway, porch, and wheelchair ramp encroaching into the street right-of-way
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D. ZONING AND LAND USE

Zoning District: Commercial-2 (C-2)	Actual Land Use: Commercial
District Purpose	The purpose of this district is to provide a commercially oriented environment that is considered heavy or vehicle commercial, including wholesale and warehousing, and light industrial.
Principal Uses	A. Warehouses and storage; B. Transportation and transshipment facilities; C. Manufacturing, fabricating and assembling of a light industrial nature; F. All uses permitted in C-1 zone.

Surrounding Area

Direction	Zoning District	Actual Land Use
North	Commercial 2	Commercial
South	Commercial 2	Commercial/Residential
East	Commercial 2	Commercial
West	Commercial 2	Commercial

E. PERMIT HISTORY

The City of Petersburg issued a Special Use Permit in 1992 (recorded in the Petersburg Recording District, Book G040, Pages 112–114) to Kito's Kave, Inc., authorizing use of a portion of the Chief John Lott Street right-of-way adjacent to Lot 1 of Block B, Petersburg Tidelands Subdivision (1957), and Lots 4 and 5 of Block 26 within U.S. Survey 1252, for the ground landing of an exit stairway, porch, and handicap ramp. That permit states it is not transferable and is for the use of the named permittee only. The stairway, porch, and ramp remain in place and in continuous use under subsequent ownership, including the current operation as Kito's. Because the 1992 permit is non-transferable, a new Special Use Permit is required to formally authorize the current permittee's continued use of the right-of-way for these improvements.

F. SPECIAL USE PERMIT CRITERIA (PMC 19.76.020)

Under PMC 19.76.020, the Borough Assembly shall issue the permit if the request is found to be (1) of a beneficial nature to the community and (2) adjacent and surrounding properties will not be adversely impacted.

- 1. Beneficial nature to the community:** Staff analysis: The stairway, porch, and wheelchair ramp provide required accessible egress and access for a commercial establishment. Continued authorization maintains ADA accessibility for the public.
- 2. No adverse impact to adjacent and surrounding properties:** Staff analysis: The improvements are existing and have occupied this location since at least 1992 without documented complaint. No change in footprint or use is proposed.

G. DEPARTMENT REVIEWS

Department	Comments
Public Works	No comments.
PMP&L	No comments.
Fire	No comments.
Police	No comments.
Building Official	No comments.

H. APPLICATION SUBMITTAL (PMC 19.76.030–19.76.040)

A written application was filed with the Planning Commission through the building official, stating the nature of the request and addressing the standards of PMC 19.76.020. A sketch plat showing the area to be used and its approximate size was submitted with the application, consistent with PMC 19.76.040.

I. PUBLIC NOTICE (PMC 19.76.060)

The borough provided public notice consistent with PMC 19.76.060. Notice was posted at three public places at least fifteen days before the hearing and mailed at least fifteen days before the hearing to all parties in interest and to all property owners within six hundred (600) feet of the subject property. See Attachment D for sample notice letter.

J. FINDINGS AND CONDITIONS OF APPROVAL

(See resolution below for findings and conditions.)

Proposed Motion: I move to recommend approval of draft RESOLUTION 2026-xx to the Borough Assembly authorizing a Special Use Permit to Kito's LLC for the ground landing of an exit stairway, porch, and wheelchair ramp within the Chief John Lott Street right-of-way at 200 Chief John Lott Street, subject to the following conditions of approval.

Conditions of approval:

1. The Permittee shall assume full control and responsibility for all activities connected with the permit and shall defend, indemnify, and hold harmless the Borough from any liability, claim, or expense arising from the use.
2. No future claim or real property interest is granted to the Permittee in the area described. The permit is not transferable and is for the use of the named Permittee only.
3. The Permittee shall be wholly responsible for the maintenance and upkeep of the stairway, porch, and ramp; the Borough shall have no responsibility for maintenance, upkeep, or repair.
4. The permit language and general liability insurance coverage amounts shall be updated to current requirements
5. The permit shall be duly recorded in the Petersburg Recording District at the Permittee's expense.

K. ALTERNATIVES

- Recommend approval of the application as submitted.
- Recommend approval of the application with staff-recommended conditions.
- Recommend approval of the application with modified or added conditions.
- Continue the hearing to allow for additional information or public input.
- Recommend denial of the application.

L. ATTACHMENTS

A. Vicinity Map	D. Public Notice Letter
B. Applicant Materials	
C. Public Comments	

M. APPEAL

If approved, this decision may be appealed within the time and to the body specified by the applicable Borough Code appeal provisions. Appeal forms are available at the Borough Clerk's office and must be accompanied by the required fee.

**DRAFT
PETERSBURG BOROUGH
RESOLUTION #2026-XX**

**A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT FOR A
PORTION OF THE CHIEF JOHN LOTT STREET RIGHT-OF-WAY**

WHEREAS, Kito's LLC owns and/or operates a commercial establishment on Lot 1B, Block B, Kito's/Lock's Subdivision, Plat No. 2005-13, a parcel located directly adjacent to the Chief John Lott Street right-of-way ("the ROW"); and

WHEREAS, in 1992, the predecessor-in-interest to Kito's LLC, Kito's Kave, Inc., acquired a special use permit to use a portion of the ROW for the ground landing of an exit stairway, porch, and handicap ramp; and

WHEREAS, that special use permit is non-transferrable and Kito's LLC is required to apply for a new permit to continue use of the ROW; and

WHEREAS, on June 30, 2026, Kito's LLC filed an application for a special use permit under Petersburg Municipal Code (PMC) 19.76, for the nonexclusive use of a portion of the ROW for the ground landing of an exit stairway, porch, and wheelchair ramp; and

WHEREAS, on August 11, 2026, a duly noticed public hearing was held before the Petersburg Borough Planning Commission on the application; and

WHEREAS, the Planning Commission considered and reviewed applicant materials, staff comments, and public comments, and issued a Report and Findings of Fact, recommending that the Assembly approve the application with conditions, including the conditions to update permit language and general liability insurance coverage amounts to current requirements; and

WHEREAS, the Assembly has determined that the permit will not adversely impact on any of the surrounding properties and is of community benefit by ensuring continued accessible egress from Kito's for the general public and by providing accountability for necessary maintenance and upkeep of the ROW.

THEREFORE, BE IT RESOLVED by the Assembly of the Petersburg Borough, as follows:

Section 1. The Assembly hereby approves the issuance of a special use permit to Kito's LLC to use a portion of Chief John Lott Street right-of-way, more specifically described in Attachment A, for purposes of the ground landing of an exit stairway, porch, and wheelchair ramp.

Section 2. The Borough Manager is hereby authorized to execute, on behalf of the Borough, the permit authorized under this Resolution.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this [X] day of August, 2026.

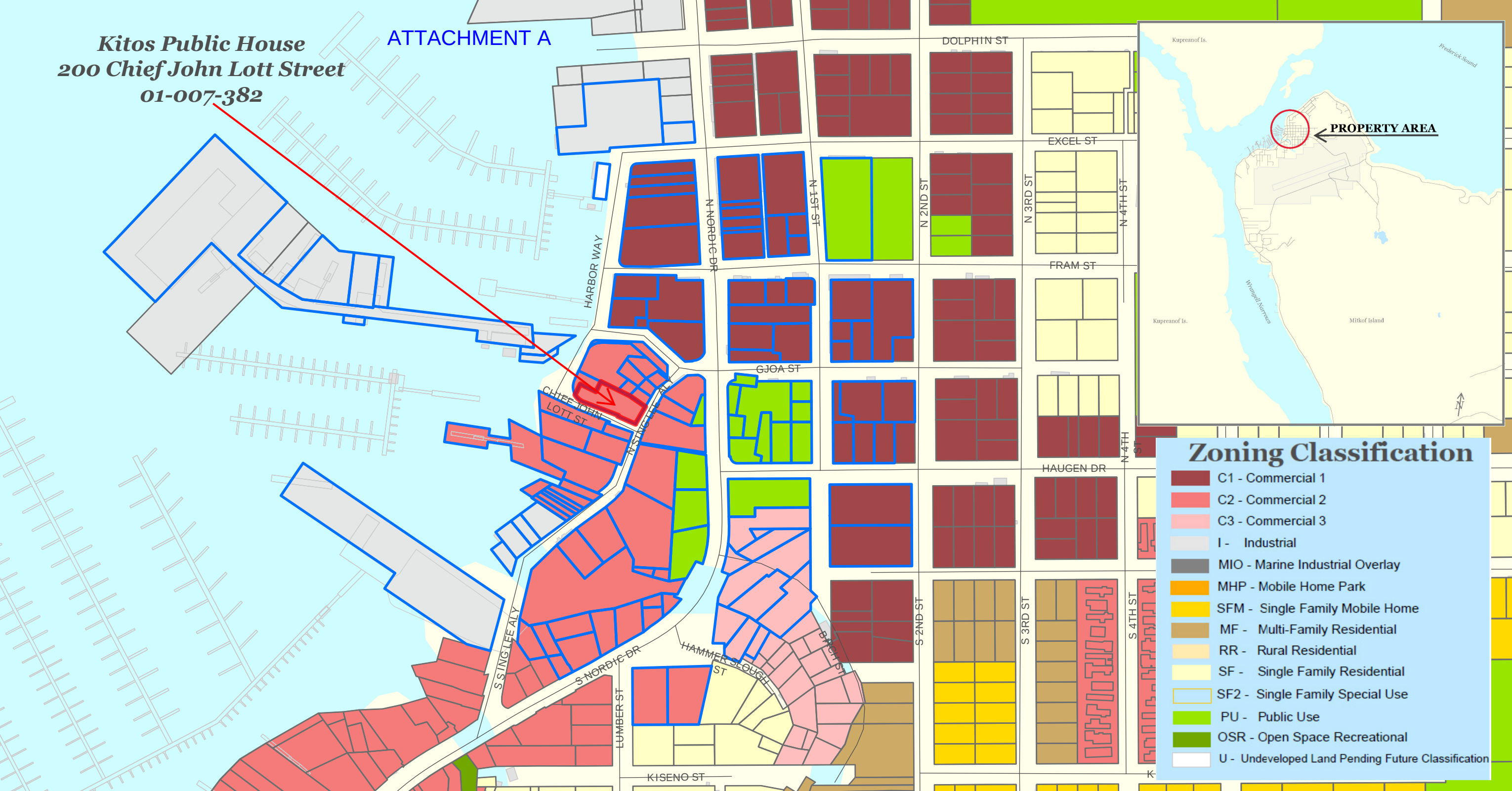
Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Kitos Public House
200 Chief John Lott Street
01-007-382

ATTACHMENT A



PROPERTY AREA

Zoning Classification

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MIO - Marine Industrial Overlay
- MHP - Mobile Home Park
- SFM - Single Family Mobile Home
- MF - Multi-Family Residential
- RR - Rural Residential
- SF - Single Family Residential
- SF2 - Single Family Special Use
- PU - Public Use
- OSR - Open Space Recreational
- U - Undeveloped Land Pending Future Classification

ATTACHMENT B



PETERSBURG BOROUGH SPECIAL USE PERMIT APPLICATION

For Borough Use	Date: <u>6/30/26</u>
Base Fee: \$50	Check No. or CC: <u>CC</u>
Public Notice Fee: \$70	Received by: <u>TH/CC</u>
Total: \$120	Code to: 110.000.404110

APPLICANT INFORMATION

NAME: KITOS LLC DBA KITO'S PUBLIC HOUSE

PROPERTY INFORMATION

PHYSICAL ADDRESS or LEGAL DESCRIPTION: <u>200 CHIEF JOHN LOTT STREET</u>			Lot Size: <u>8,463</u>
LOT: <u>1B</u>	BLOCK: <u>B</u>	SUBDIVISION: <u>Kito s/Lock's</u>	PLAT #: <u>2005-13</u>
PARCEL ID: <u>01-007-382</u>		ZONE: <u>Commercial-2</u>	OVERLAY: <u>N/A</u>

CURRENT USE OF PROPERTY: commercial

PROPOSED USE OF PROPERTY: same

LEGAL ACCESS AND UTILITIES

WASTEWATER SYSTEM: What is the current or planned system? ☒ Municipal ☐ DEC-approved on-site system

WATER SOURCE: What is the current or planned system? ☒ Municipal ☐ Cistern/Roof Collection ☐ Well

LEGAL ACCESS TO LOT(S) (Street Name): Chief John Lott St

TYPE OF APPLICATION

☐ Use of Borough right-of-way for access to private property

☒ Other: Ground landing of an exit stairway, porch, and wheelchair ramp.

SUBMITTALS

Sketch plat showing area to be used and approximate size.

SIGNATURE(S)

I hereby affirm all the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.

Applicant(s):  Date: 06/30/2026

Owner (if different from applicant): _____ Date: _____

Owner (if different from applicant): _____ Date: _____

19.76 SPECIAL USE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): KITOS LLC DBA KITO'S PUBLIC HOUSE

Project Summary:

APPLICATION FOR SPECIAL USE OF HANDICAP RAMP AT KITO'S PUBLIC HOUSE
THAT IS ALREADY IN PLACE AND IN USE FROM PRIOR OWNERSHIP.

Conditions of approval as required in Petersburg Municipal Code 19.76.020:

(Note that all regulations and requirements of Title 19 must be satisfied in order to qualify for a special use permit.)

1. The Borough Assembly may issue the permit if the request, as approved by the Planning Commission, is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

There are instances when the private sector needs to use borough property for uses other than what the property was initially intended for. An example would be to use a platted, but undeveloped, right-of-way for private access to private property.

Explain how your application meets these conditions:

APPLICATION FOR SPECIAL USE OF HANDICAP RAMP AT KITO'S PUBLIC HOUSE
THAT IS ALREADY IN PLACE AND IN USE FROM PRIOR OWNERSHIP.

Record in the Petersburg Recording District

SPECIAL USE PERMIT

This SPECIAL USE PERMIT, issued by the City of Petersburg, Alaska, whose mailing address is PO Box 329, Petersburg, Alaska 99833, hereinafter referred to as the "City", will allow Kito's Kave, Inc., whose mailing address is PO Box 1510 Petersburg, Alaska 99833, hereinafter referred to as "Permittee", the use of a portion of the Chief John Lott Street right of way adjacent to Lot 1 of Block B within Petersburg Tidelands Subdivision, 1957, and Lots 4 and 5 of Block 26 within US Survey 1252, August of 1918, Petersburg Recording District, as shown on the sketch attached as Exhibit A.

This Special Use Permit is subject to the following terms and conditions:

1. The Permittee agrees a copy of this Special Use Permit shall be duly recorded in the Petersburg Recording District for the State of Alaska with the cost of recording to be borne by the Permittee.
2. Permittee agrees to assume full control and responsibility for all activities connected with this permit. The Permittee shall defend and save harmless the City and all of its representatives from any liability, claim, demand, loss, damage or expense of whatsoever character, directly or indirectly, including, for example, attorney's fees and costs incurred by the City, arising from or in any way related to this permit, whether or not caused in part by the negligence of the party indemnified herein, including without limitation of the foregoing, any such liability, claim, demand, loss, damage or expense; (a) arising out of, or directly or indirectly due to any failure of Permittee to satisfy his obligations under this permit, including compliance with the workers' compensation and other employee benefit laws or the applicable federal, state and local laws governing use of the property; and/or (b) arising out of, or directly or indirectly due to any accident or other occurrence causing injury to any person or persons or property on account of any act or omission by the Permittee or its representatives in connection with the Permittee's use of the property or any improvements thereon. Permittee shall further indemnify the City against all liens and charges that may be established against the premises or any improvements thereon as a consequence, direct or indirect, of any act or omission of the Permittee under this permit.
3. No future claim nor any real property interest is granted to the Permittee to the above described area. This permit is not transferable; it is for the use of the within named Permittee only.
4. The Permittee shall have the right to use the above described area for a ground landing of an exit stairway and porch and handicap ramp from the structure located on Lot 1 of Block B within Petersburg Tidelands Subdivision, 1957, and Lots 4 and 5 of Block 26 within US Survey 1252, August of 1918, Petersburg Recording District.

POOR FILMING QUALITY

5. The Permittee agrees to be wholly responsible for the maintenance and upkeep of the above described stairway, porch and handicap ramp and acknowledges the City has no responsibility whatsoever for maintenance, upkeep or repair.

6. Insurance Requirements

(1) At such times as Permittee has persons employed by him working in the above described area or any work related to this Permit, Permittee shall be required to obtain and maintain during the full term of such employment, insurance in at least the required statutory amounts covering claims under workers compensation, disability benefit or other similar employee benefit acts; and

(2) By action of the City Council on November 2, 1992, the City Council required no general liability insurance.

7. If the Permittee keeps, observes and performs all of the terms and conditions of this Permit, the Permittee may, peaceably and quietly, continue the use of the area specified in this permit for an indefinite term however, the City reserves the right to terminate this Permit upon six (6) months written notice of intent to revoke said Permit. If Permittee's use of the area specified in this permit ceases for a continuous period of 365 days, such disuse shall be considered an abandonment and consequent termination of this permit.

PASSED and APPROVED by the City Council of the City of Petersburg, Alaska this 2 day of November, 1992.

DATED this 16 day of November, 1992.

PERMITTEE: Kito's Kave, Inc.
Petersburg, Alaska

By: J.M. Swainson
J.M. Swainson
Its: President

UNITED STATES OF AMERICA)

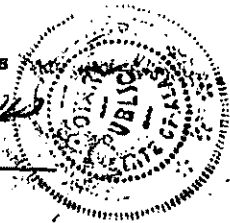
) ss.

STATE OF ALASKA)

THIS IS TO CERTIFY that on this 16 day of Nov, 19 92, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared J.M. Swainson, President (office), of the corporation described in and which executed the above and foregoing instrument, and acknowledged to me that said instrument is the free and voluntary act of said corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS My Hand and Official Seal, the day and year in this certificate first above written.

Francis G. Jones
Notary Public in and for the State of Alaska residing at Petersburg, Alaska. My commission expires 11/21/93



DATED this 4 day of November 1992.

CITY OF PETERSBURG, ALASKA

William R. Robinson
City Manager

ATTEST:

Patricia Curtiss
City Clerk



UNITED STATES OF AMERICA)

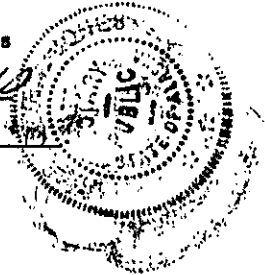
) ss.

STATE OF ALASKA)

THIS IS TO CERTIFY that on this 4 day of Nov. 1992, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared William R. Robinson and Patricia Curtiss to me known to be the City Manager and City Clerk respectively of the City of Petersburg, Alaska which executed the above and foregoing instrument, and acknowledged to me that said instrument is the free and voluntary act of said city for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of city.

WITNESS My Hand and Official Seal the day and year in this certificate first above written.

Charles A. Jones
Notary Public in and for the State of Alaska residing at
Petersburg, Alaska. My commission expires 11/21/93



District Recording Office
Return to:
City of Petersburg
Atten: P. Curtiss
PO Box 329
Petersburg, Alaska 99833

BLOCK 4

LOT 2

LOT 3

Tom Kilo

LOT 3A

LOT 2

Salvation Army

LOT 3

City of Petersburg

LOT 5

R Kilo

LOT 2A

LOT 6

Marie James

LOT 6

Ron Loesch

LOT 13

LOT 12

POOR FILMING QUALITY

92-1043

RECORDED - FILED	24415
PETERSBURG REC. DIST.	
DATE	Dec 2 1992
TIME	11:45 A.M.
Requested by	City of
Address	Petersburg

STREET

SING

LEE

ALLE

POR. LOT 1

Richard Kilo

Marie James

Y Kilo

NEW STEPS

Colic M630

LOT 4

City of Petersburg

LOT 4

LOT 4

LOT 4

LOT 4

LOT 4

LOT 4

LOT 4

LOT 4

ATTACHMENT D



July 27, 2026

CARLSBAD, CA 92018

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

A recommendation to the Borough Assembly regarding an application for a Special Use Permit from Kito's LLC dba Kito's Public House at 200 CHIEF JOHN LOTT ST (PID: 01-007-382).

The public hearing and consideration of the application will be held:	Tuesday, August 11, 2026, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera
Community & Economic Development Department

Community & Economic Development

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4042 Fax (907)772-3759

www.petersburgak.gov