

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

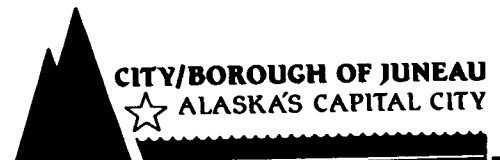
DATE: April 1, 2003
TO: Planning Commission
FROM: Monique Wheeler, Planner *Monique*
Community Development Department

FILE NO.: USE2003-00008 - Conditional Use

PROPOSAL: A Conditional Use permit to modify an existing botanical tour operation with construction of a 2,480 square foot tour display area within a 2-story duplex residence with garage.

GENERAL INFORMATION

Applicant: Jane Svinicki
Property Owner: Jane Svinicki
Property Address: 10455 Glacier Highway
Legal Description: USS 2570
Parcel Code Number: 4-B22-0-104-001-0
Site Size: 163,786 square feet
Zoning: D1-Single Family/Duplex Residential
Utilities: CBJ Water, On-site Sewer
Access: Glacier Highway
Existing Land Use: Seasonal botanical tour operation
Surrounding Land Use: North - D-1, Single Family Residential, Glacier Highway
South - D-1, Single Family Residential, Vacant
East - D-1, Single Family Residential, Medical Clinic
West - D-1, Single Family Residential, Vacant



PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of an indoor tour display area for visitors to Green Angel Gardens, an existing seasonal botanical nature trail tour operation. Currently, seating and information/display areas are outdoors. This proposal includes providing seating, additional restrooms and a display area on the first floor of a two-floor structure, covering approximately 2,500 square feet (see attachment A). The remaining area of the building will be used for residential purposes with a duplex on the second floor. The applicant has submitted information for a building permit for the structure, but understands the first floor area cannot be used for commercial purposes without approval of this permit.

BACKGROUND

In 1995 the applicant received a Conditional Use permit for the development of a botanical garden on this site. The business offers a self-directed, placarded walking tour of a botanical garden of native Southeast Alaska plants. Cruise ship visitors are the primary users of the facility, which operates between 9 a.m. and 5 p.m. daily, during summer months. Visitors arrive by bus to participate in scheduled walking tours of the property's trail system. Conditions of the original permit, CU-29-95, include limiting tour buses from making left turns across Glacier Highway, restricting turning to right-in and right-out only when entering and exiting the site, and requiring that the applicant work with the Alaska Department of Fish and Game to coordinate development of the trail.

ANALYSIS

Project Site – The project is located at 10455 Glacier Highway, at approximately 10 mile (adjacent to the Engineers Cutoff intersection). The 3.75-acre parcel has been developed with a parking area and interpretive trail with viewing decks. The proposed area housing the covered eating/bulletin board area is within the planned residence on the northern corner of the lot (see attachment B). A second driveway will provide access to the residential structure.

Project Design – The interior seating area will be furnished with tables and benches for seating and snack eating, with placards placed on exterior walls (see attachment C). The area's seating capacity, as stated by the applicant, is approximately 80 persons. Plans also include a small kitchen area with sink and dishwasher, and restrooms for men and women. The remaining 1,000 square foot area of the first floor will be constructed as a garage for use by the upstairs residences. A boiler room and interior stairway for access to the residences above will also be included in the garage area.

Staff reviewed the proposal for exterior lighting that may affect neighboring properties. Only one exterior light is planned which will illuminate the garage door area on the north side of the structure. Staff is recommending a condition that all exterior lights be shielded and that light be directed downward, to protect neighboring property owners from any glare.

Traffic – Visitors to the property arrive by tour bus. The former Conditional Use stipulated that buses enter and exit the site with right-in and right-out maneuvers. This is an important consideration of the project, as this section of Glacier Highway is busy and very near to the Engineers Cutoff intersection.

A second driveway is planned for the new structure and the applicants have received approval from the Alaska DOT for the additional driveway (see attachment D). Sight distance at both driveways provides good visibility for highway traffic.

Parking and Circulation – CBJ's parking standard does not specify a number of spaces for outdoor, visitor-oriented, botanical garden use. A parking lot consisting of 10 spaces was approved for the former development. The tour operation will not expand in number of visitors to the site, and the applicants intend to continue to use the existing parking lot, which provides 10 automobile spaces and three bus spaces. No change is planned to the existing parking area, with the exception of designating 2 spaces as handicapped accessible and meeting the dimensional requirements of such spaces. Three existing bus-parking spaces are provided along the curve of the parking area around a center of 10 automobile spaces (see attachment E). One way circulation occurs in this main parking area. As the applicants do not plan to increase the number of visitors to the site and are modifying an existing attraction rather than adding new attractions, staff finds that no new parking is needed for this change.

An additional driveway will serve the new structure, with four parking spaces outside the building for use by occupants of the residence (see attachment B). No visitor parking will be provided in this area.

Public Health or Safety – Staff is not aware of any evidence to suggest that the proposed change to the development will endanger public health or safety. Prohibiting buses from making left turns across Glacier Highway traffic while exiting or entering the site minimizes public safety concerns. Staff finds that the indoor seating/bulletin board area will not endanger public health or safety.

Property Value or Neighborhood Harmony – The existing botanical tour operation blends well with the neighborhood, with minimal visual and traffic impacts. The parcel is zoned D-1, single family and duplex residential. While the residence is not the subject of this permit, with its addition the parcel will be developed in a manner similar to adjacent uses. Use of the first floor of the residence for bulletin board displays and snack seating is not anticipated to affect neighboring property values or be out of harmony.

Conformity With Adopted Plans - Juneau's Comprehensive Plan, updated in 1995, Policy 2.12 states:

"It is the policy of the CBJ to encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural and cultural attractions for local citizens and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns."

Staff finds that the proposed change to the Green Angel Gardens Botanical Nature Tour is consistent with the policy stated above. This finding is based on the minimal nature of the proposal and the applicant's statement that the modification proposed will not increase visitation. The project adequately protects the residential nature of the neighborhood, while providing a natural attraction for Juneau's visitors.

Juneau Coastal Management Program - An anadromous stream bisects the rear portion of this lot (see attachment B). In the original Conditional Use permit, the applicants were directed to work with the State Department of Fish and Game to adequately protect the stream when developing the property's nature path. Staff reviewed the proposed property changes for impacts to the stream and found that the development area is outside the 50-foot streamside setback required for listed anadromous streams.

The 1994 Juneau Wetlands Management Plan Atlas does not show a wetland unit present on the subject parcel, however, the applicants are advised to contact the US Army Corp of Engineers to obtain any necessary permits for further development of this property.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 23.400 for the D-1 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. Based on the preceding analysis, the proposed development complies with other requirements of this chapter.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the analysis above, staff finds no evidence that the proposed development will materially endanger public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the analysis above, staff finds that the development will be in harmony with property in the neighboring area and will not substantially decrease neighboring property values.

6. *Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

No. Based on the preceding analysis, the proposed development will be in general conformity with the land use plan, thoroughfare plan, and other officially adopted plans.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. Based on the preceding staff analysis, the proposed development complies with the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an indoor seating and placard display area at an existing botanical garden. The approval is subject to the following conditions:

1. All exterior lighting shall be shielded to direct light downward. The applicant shall submit manufacturer's information on any exterior lighting for staff review and approval before issuance of a Certificate of Occupancy.
2. Tour buses entering and exiting the botanical garden site shall not make left turns across Glacier Highway. Buses shall only make right-in and right-out turns when entering and exiting the site.
3. Advisory: the applicant is advised to contact the US Army Corp of Engineers to obtain any necessary permits required for further development of this lot.

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

2-19-03

Project Number PRJ03-18	CITY and BOROUGH of JUNEAU	Date Received: 2-18-03
Project Name (City Staff to assign name) Svinicki TOUR DISPLAY W/SEA		

PROJECT / APPLICANT INFORMATION

Project Description NEW RESIDENCE W/ APT & GARAGE DOWN STAIRS SPACE FOR FUTURE COMMERCIAL ACTIVITY			
PROPERTY LOCATION			
Street Address 10.5 GLACIER HWY		City / Zip JUNEAU	
Subdivision (if known)	Survey (if known) U 35 25 70	Block / Tract (if known)	Lot (if known)
Assessor's Parcel Number (if known) 4 B 22 01 04 00 10			
LANDOWNER / LESSEE		Cell 321-4804	
Property Owner's Name JANE SVINICKI & Jeff Svinicki		Contact Person JANE	Work Phone No. 789-4681
Mailing Address 10392 Mendenhall Lp		Home Phone No. 784-4681	FAX No. SAME W/NOTICE
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY	
I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		APPLICATION TYPE	OWNER'S INITIALS
<input checked="" type="checkbox"/> Jane Svinicki 2-18-03 Landowner/Lessee Signature Date <input checked="" type="checkbox"/> _____ _____ Landowner/Lessee Signature Date		ALLOWABLE USE	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.		CONDITIONAL USE	
		VARIANCE	
		DESIGN REVIEW	
		SUBDIVISION	
		OTHER _____	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)			
Applicant's Name Jane Svinicki JANE SVINICKI		Contact Person	Work Phone No.
Mailing Address		Home Phone No.	FAX No.
<input checked="" type="checkbox"/> Jane Svinicki Applicant's Signature		<input checked="" type="checkbox"/> 2-19-03 Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)

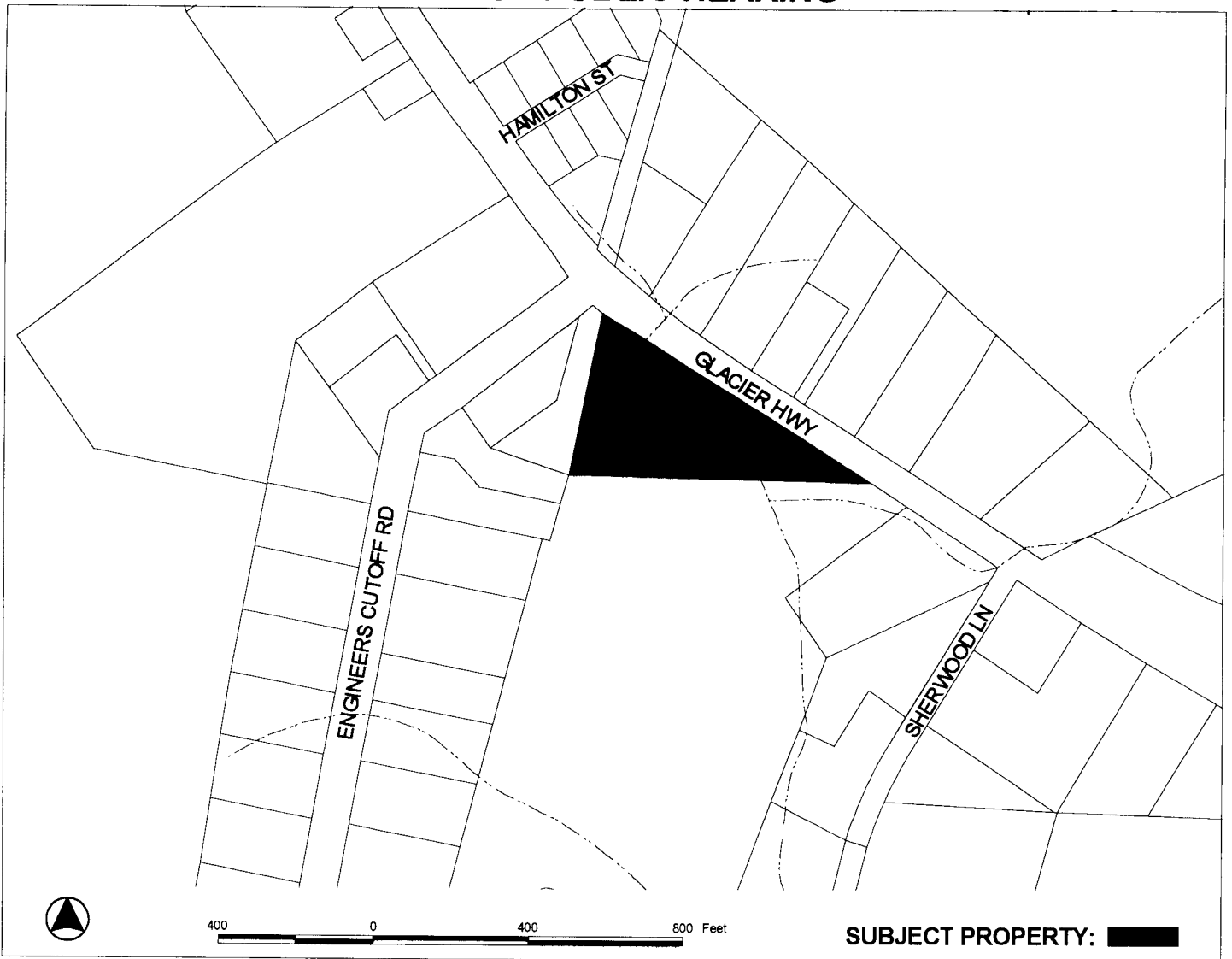
STAFF APPROVALS

C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL				<input checked="" type="checkbox"/>	WATER PERMIT	2/18/03	UTL03-16
	CONDITIONAL USE APPROVAL	<input checked="" type="checkbox"/>	2/18/03	USE03-08		SEWER PERMIT		
	VARIANCE					GRADING PERMIT		
	DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
	SUBDIVISION					RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL					OTHER - (Describe)		
<input checked="" type="checkbox"/>	BUILDING PERMIT		2/18/03	BUD03-73		Permit Intake Initials		DVA DVA 2/18/03

Zone _____	Total Lot Area _____	Required Setbacks Front _____ Back _____ Side _____ Other _____
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COMMENTS:

NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY: 

PROPOSAL: A Conditional Use permit to modify an existing botanical tour operation with construction of a 2,480 square foot tour display area within a two-story duplex residence with garage.

FILE NO:	USE2003-00008	APPLICANT:	JANE SVINICKI
TO:	Adjacent Property Owners	PROPERTY OWNER:	JEFF & JANE SVINICKI
HEARING DATE:	April 8, 2003	PROPERTY ADDRESS:	10457 GLACIER HWY
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	4B2201040010
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	163,786 Square Feet
		ZONING:	D1
		ACCESS:	GLACIER HWY

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact

Monique M. Wheeler 586-0781 Monique_Wheeler@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: March 26, 2003

For the past eight years, Green Angel Gardens has been operating a handicap accessible botanical nature trail on this site. A sixty feet by ten feet canopied area is currently used as a gathering area to serve a snack and beverage and to locate our bulletin board displays out of the rain. We now plan to move the outdoor seating and bulletin board displays in doors in order to keep our visitors warmer and dryer for a portion of their visit. Except for this move, our existing business will remain unchanged. The sixty two feet by forty feet commercial area in the building will include two handicap accessible restrooms. The existing handicap accessible port-a-john facilities at the parking lot will remain. Seating capacity will remain about eighty which has proven to be consistently above what is needed. Our existing parking area has proven more than sufficient and the removal of the canopies will increase its capacity further. The required handicap parking spaces have been designated.

The indoor display area will allow us to significantly increase the variety and quality of our informational displays. The botanical trail and natural science gallery will be a visitor industry destination May through September. October through April the facility will be a not-for-profit natural science informational center open to local and area schools, any interest groups and governmental entities.

Jane Simnicki 2-19-03

JANE SIMNICKI

OWNER OPERATOR / GREEN ANGEL GARDENS

ATTACHMENT A



JANE SVINICKI
Owner/Operator
Consultant

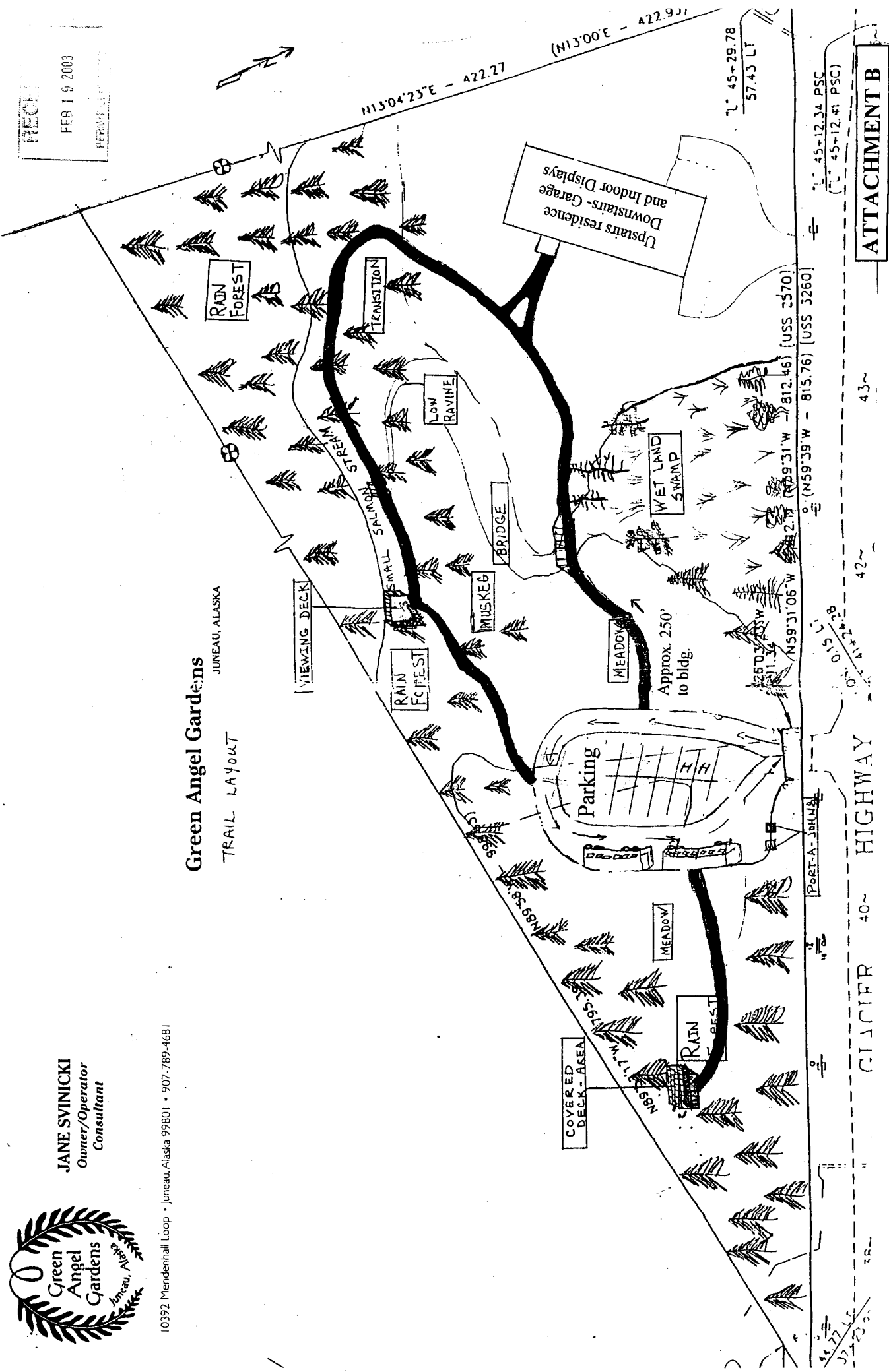
10392 Mendenhall Loop • Juneau, Alaska 99801 • 907-789-4681

Green Angel Gardens

JUNEAU, ALASKA

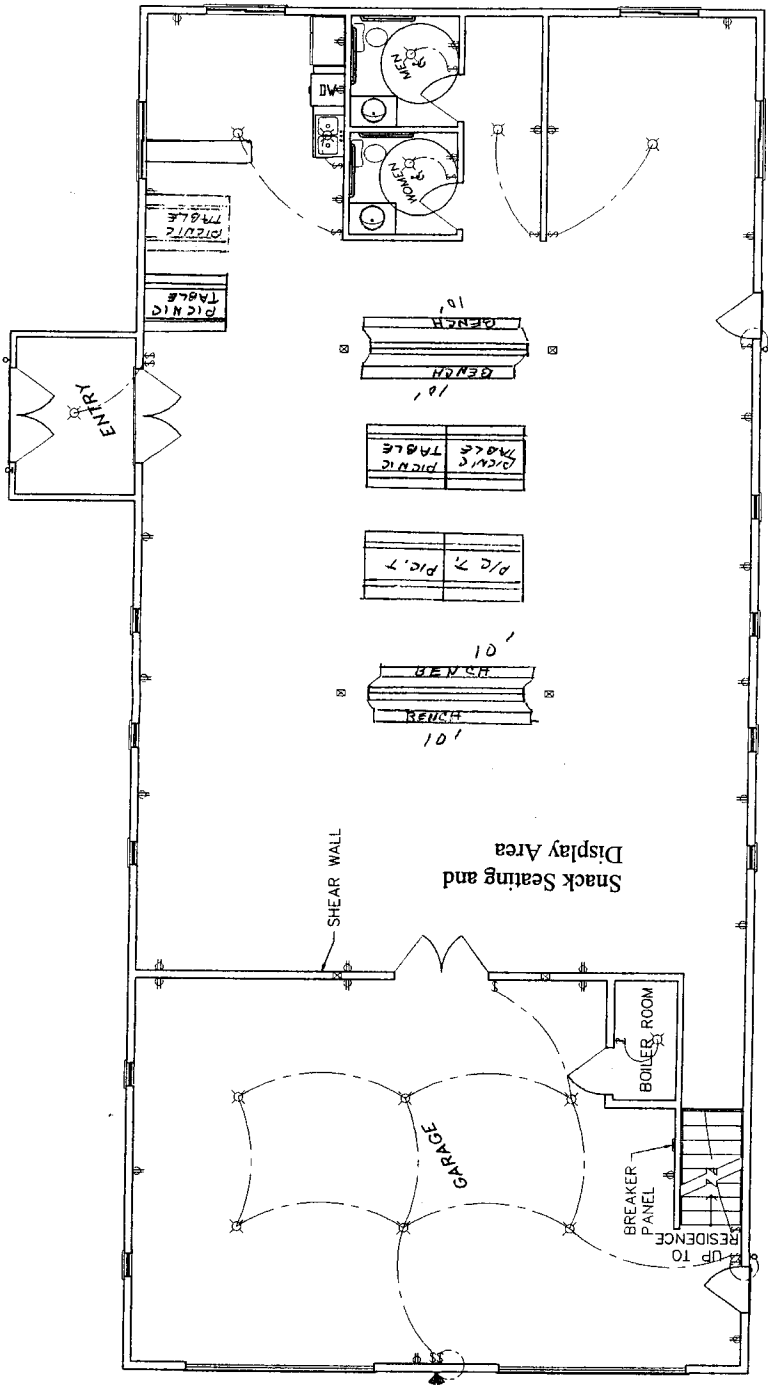
TRAIL LAYOUT

REC'D
FEB 19 2003
PERMIT UNIT



ATTACHMENT B

To Trail



Seating capacity: 80
 4 - 10' Benches : 32
 6 - 5' Picnic tables : 48

REVISED
 FEB 19 2003
 HEPWAT

MOORE ENGINEERING, INC. P.O. BOX 211292 AURK BAY, ALASKA 99803 (907) 789-3970 TRACY MOORE, P.E. REGISTERED PROFESSIONAL CIVIL ENGINEER	REVISIONS	BUILDING PLANS JEFF & JANE SVINICKI 10392 MENDENHALL LOOP JUNEAU, AK 99801	DRAWN/CHECKED GDM/T.M. REVISION	DATE JAN 2003 SHEET 8 OF 9	
	ATTACHMENT C				

Permit No. 11500

Attachments included as part of this permit are:

REQUIRED for ALL DRIVEWAYS:

- Plat including notes of the placement of the driveway.
- Site plan.
- Proof of ownership.
- Traffic control plan.

REQUIRED for ALL APPROACH ROADS:

- Construction plans.
- Recorded plat or waiver including notes of the placement of the approach road.
- Traffic control plan.

I, Jane Svinicki agree to comply with the provisions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

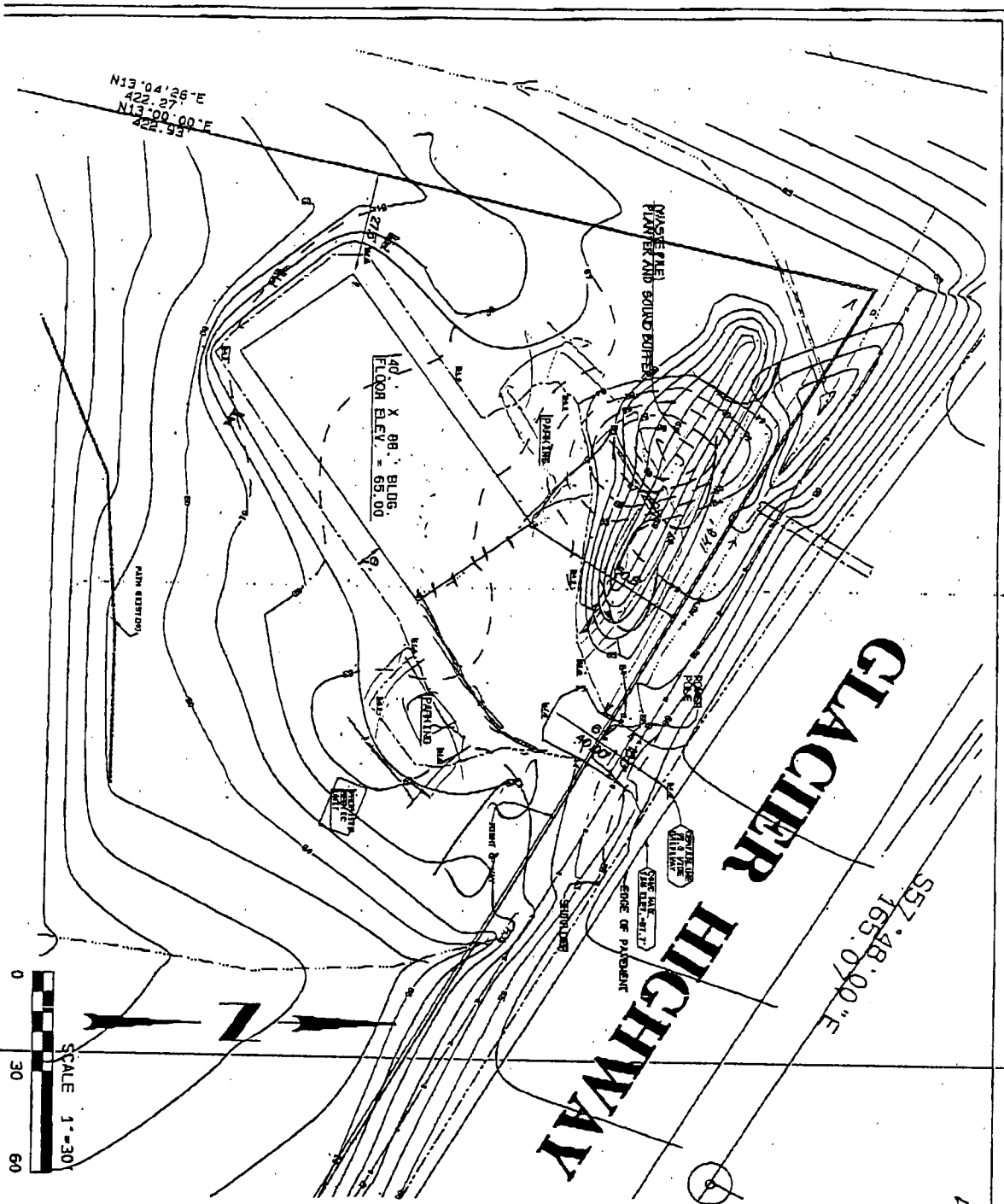
Jane Svinicki
 Permittee Signature

12-24-02
 Date

[Signature]
 DOT&PF Signature

1-30-03
 Date

ATTACHMENT D



FOR:
 JANE & JEFF SVINICKI
 10 1/2 MILE GLACIER HIGHWAY
 10392 Mondenhall Loop
 Juneau, Alaska, 99801

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCRACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.



Lot Size 163786

J.W. BEAN
 PROFESSIONAL SURVEYOR

F.B. ——— JOB No. 8747
 SCALE AS-SHOWN
 DATE 12-11-02

SITE PLAN
 AND TOPO. SURVEY OF
 U. S. S. 2570.
 Permit Number 11500
 Page of pages

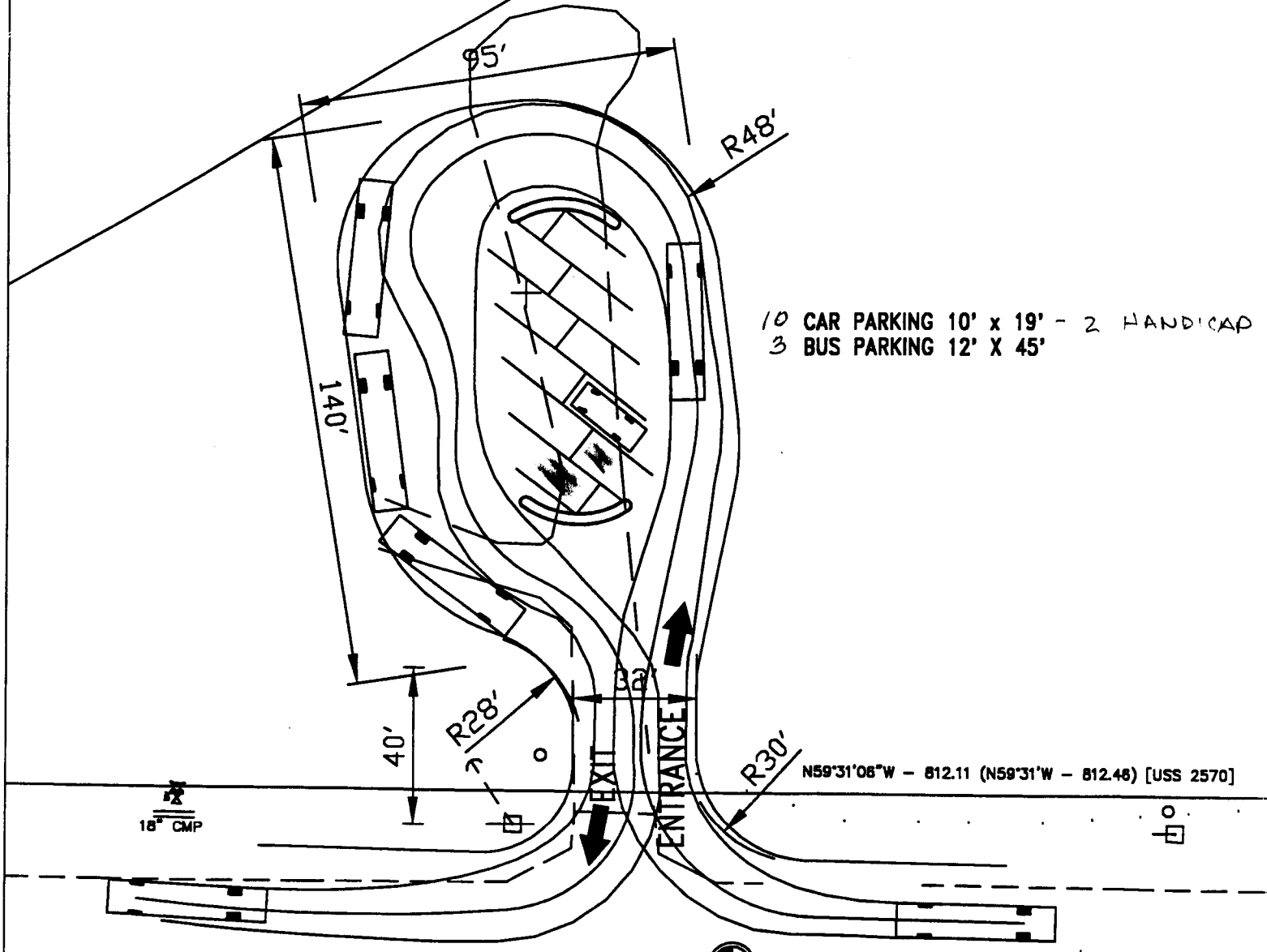
ATTACHMENT D

U.S. SURVEY 2136
LOT 2

U.S. SURVEY 2570

SCALE 1" = 40'

N89°57'17"W - 795
(N89°56'W - 995.63)



GLACIER 40~ HIGHWAY

42~

ATTACHMENT E