

# MEMORANDUM

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

**DATE:** April 26, 2007

**TO:** Planning Commission

**FROM:** Eric Feldt, Planner   
Community Development Department

**FILE NO.:** USE2007-00012 Conditional Use

**PROPOSAL:** A Conditional Use permit to change the use of a portion of an existing building from an automobile repair area to retail space.

## GENERAL INFORMATION

Applicant: Gregory W. Wilcox

Property Owner: Wilcox Rentals, LLC

Property Address: 8575 Airport Way

Legal Description: Valley Centre BL M LTs 1& 2

Parcel Code Number: 5-B15-0-102-001-0

Site Size: 16,363 square feet (.37 acres)

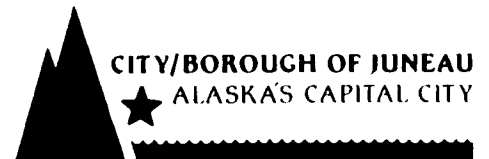
Zoning: (I) – Industrial District

Utilities: CBJ Water and Sewer

Access: Airport Boulevard & Crest Street

Existing Land Use: Automobile Repair and Storage

Surrounding Land Use: North - (Industrial) N.C. Machinery CAT  
South - (Industrial) Glacier Valley Fire Station  
East - (Industrial) Les Schwab Tire  
West - (Industrial) Vacant



## **ATTACHMENTS**

ATTACHMENT A	SITE LOCATION
ATTACHMENT B	EXISTING FLOOR PLAN
ATTACHMENT C	PROPOSED FLOOR PLAN
ATTACHMENT D	SITE PLAN/ BUILDING FOOTPRINT
ATTACHMENT E	PARKING PLAN

## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for the change of use from industrial to retail within a portion of an existing building. The proposed change in use will be of the existing automotive repair business to a retail business within 1,800 square feet of the ground floor level (see Attachment A). The new retail business, Southeast Mining Supply will sell specialty mining equipment and accessory items.

## **BACKGROUND**

The existing two-story building was built to accommodate an automobile repair area, taxi-cab servicing, and second-story storage areas (see Attachment B). The building has a bay garage door that provides indoor automobile servicing to the taxi-cab repair business. There is an existing "L"-shaped unpaved parking area that can be accessed from Airport Boulevard and Crest Street. This building was constructed and occupied in 1978.

## **ANALYSIS**

**Project Site** - The 16,363 square foot site is a triple-frontage lot, located on the corner of Crest Street, Airport Boulevard, and Yandukin Drive (see Attachment A). The existing structure, though built under different zoning regulations does meet the current (10) ten-foot setbacks for all yards and side streets within the Industrial District as required in CBJ 49.25.400 *Table of Dimensional Standards* (see Attachment D). Even though there is no maximum building coverage upon any sites within the Industrial District, the site contains at least 5% of vegetative cover as required. Furthermore, there are not height restrictions within the Industrial District.

There is a small sliver of land between the southern property line and Yandukin Drive, owned by the Juneau Airport, and presents a tree-lined buffer along the Northern side of Yandukin Drive.

**Project Design** - This proposed change in use shall not produce any significant change to the exterior of the building, but mainly to the interior (see Attachment B). The business will be using the existing external lighting to illuminate the entrance and parking areas and, therefore no new lighting

is proposed at this time. Any proposed signage shall be reviewed during the sign review process and shall be in compliance to CBJ Chapter 49.45.

This change in use does increase the number of required parking spaces upon the property, see "Parking and Circulation" below, however, the automotive repair business afforded enough parking spaces within the site and no new parking spaces are required at this time.

The applicant is proposing to change the existing gradient upon the west parking area, which will direct water towards the northeast drainage tile (see Attachment E). Another gradient change will be made upon the northern parking lot fronting upon Airport Boulevard, to channel the water eastwardly towards yet another drainage tile. Both gradient changes will prevent water from accumulating towards the building with a ground perimeter slope of 2% or greater in order to comply with CBJ Title 19.12 *Excavation and Grading*. It is recommended that a condition be put upon the permit to ensure adequate control of water run-off, which shall be reviewed during final site inspection.

**Traffic-** The businesses that surround this site have similar industrial services; such as automotive repair, heavy machinery uses, and storage facilities. Traffic volume produced from these businesses is low, and typically occurs during normal weekday hours instead of during the evenings and weekends. The new retail use is expected to generate similar amounts of vehicular traffic as the existing automobile repair business. At this time, this is not a high-volume traffic area, nor would this change in use necessitate a traffic analysis.

Ingress and egress routes shall not be placed any closer than 40 linear feet to any street intersection as measured from the travel-way of the uncurbed road ways in the area, as stated per CBJ62.36015(1).

**Parking and Circulation -** The proposed retail store (Southeast Mining Supply) would need to provide (6) six parking stalls for the 1,800 square foot retail space as set forth in CBJ 49.40.210 *Dimensional Standards for Off-street Parking: 1 parking space per 300 square feet for Retail Commercial*. As stated earlier, the previous business provided a sufficient parking area, and no new parking stalls will be required at this time.

The existing parking lot will be shared by the taxi-cab repair business and the proposed retail business. Customer parking for the new retail business shall be placed toward the northern area of the site, where it is closer to the entrance. Parking for the taxi-repair business will be located to the southern portion of the site (see Attachment E). The new parking plan provides plenty of parking spaces for both businesses, total of 16. All parking areas are to be placed in a safe and effective manner that shall not impede egress/ ingress routes or thorough fare upon the adjacent rights-of-way.

The distance between the building and Crest Street/Airport Boulevard is minimal and currently back-out parking into the right-of-way of those streets mentioned is present, which violates CBJ 49.40.230 (b) (1). The new parking plan provides ample room to allow parked vehicles to access any street while not having to back into the right-of-way. It is recommended that a condition be put on the

permit that ensures the placement of the parking spaces to prevent back-out parking into the rights-of-way.

Currently, the parking areas are not paved, but should have wheel-stops installed. As none of the roads adjacent to this site have curbs or gutters, it would be unnecessary at this time to pave the entire parking area. The new parking layout complies with the CBJ 49.40.210(b) *Parking Space Dimension* and 49.40.220 *Parking and Circulation* (see Attachment E). The installation of wheel-stops shall be a recommended condition on the permit and will be reviewed during the final site inspection.

**Noise** - This proposed change in use is not anticipated to produce any noise beyond existing levels. Therefore, there is no evidence that shows any adverse affect with the proposed change of use within the existing building.

**Public Health or Safety** - A change in use of the building is not expected to raise any public health or safety issues. There is no evidence shown that would negatively impact the public.

**Property Value or Neighborhood Harmony** - The proposed activity is similar to other uses and activities in the Industrial District. There are no residential neighborhoods within the vicinity of this site that may be impacted by the development. There is no evidence that the proposed use will be detrimental to any surrounding properties.

**Conformity With Adopted Plans** - The Comprehensive Plan depicts this site as an "Industrial District". Commercial use may be permitted within the Industrial District upon an approval of a Conditional Use permit.

**Juneau Coastal Management Program** - There is no evidence shown that this change in use would affect the coastal areas within the City and Borough of Juneau.

## **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 submitted 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 2.120 for the Industrial zoning district.

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

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 27 and May 7, 2007 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

**No.** The new parking plan complies with CBJ 49.40 ARTICLE II *Parking and Loading*.

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

**No.** As previously stated, there shall not be a significant increase in traffic, external noise, illumination, or signage beyond that already exists.

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

**No.** This change in use from an automotive repair shop to a retail business within an Industrial District shall be allowed through a Conditional Use permit as denoted in CBJ 49.25.300, Section 2.000 "Sales and Rental of Goods, Merchandise or Equipment."

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

**N/A.** There is no evidence shown that may affect the coastal areas within the City and Borough of Juneau.

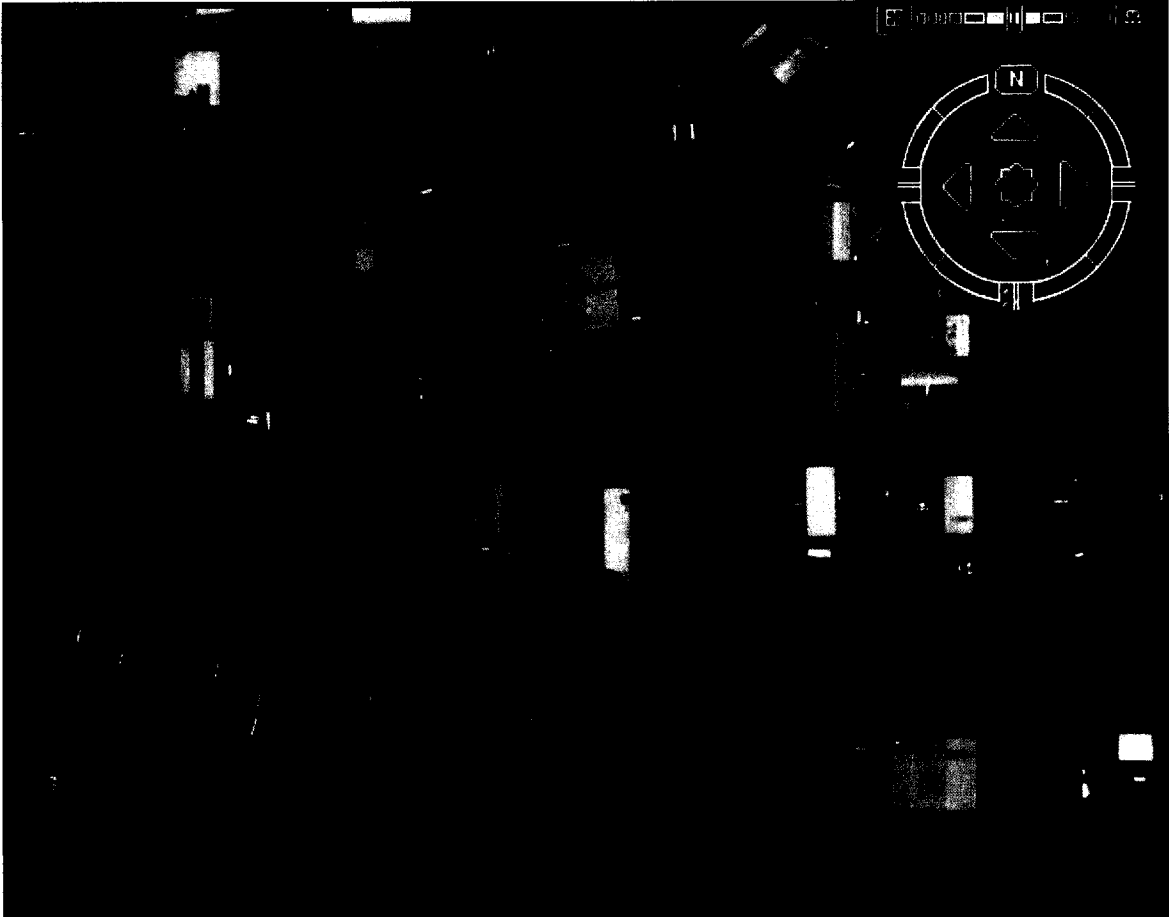
**RECOMMENDATION**

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 approval of the development, which is subject to the following conditions:

1. The applicant shall install wheel stops for all parking stalls within the site.
2. The points of ingress and egress upon the site shall not be any closer than 40 linear feet, measured from the travel way of the uncurbed rights-of-way of the nearest intersection.
3. All parking spaces shall be placed accordingly to the "Grading/ Parking Plan" to prevent back-out parking.
4. All proposed signage shall require a separate sign permit and will be regulated during the sign permit review process.
5. Water run-off upon the site shall be directed away from the building and into drainage tiles or ditches.

SITE LOCATION

8575 Airport Boulevard



**ATTACHMENT A**

SITE LOCATION

8575 Airport Boulevard



ATTACHMENT A

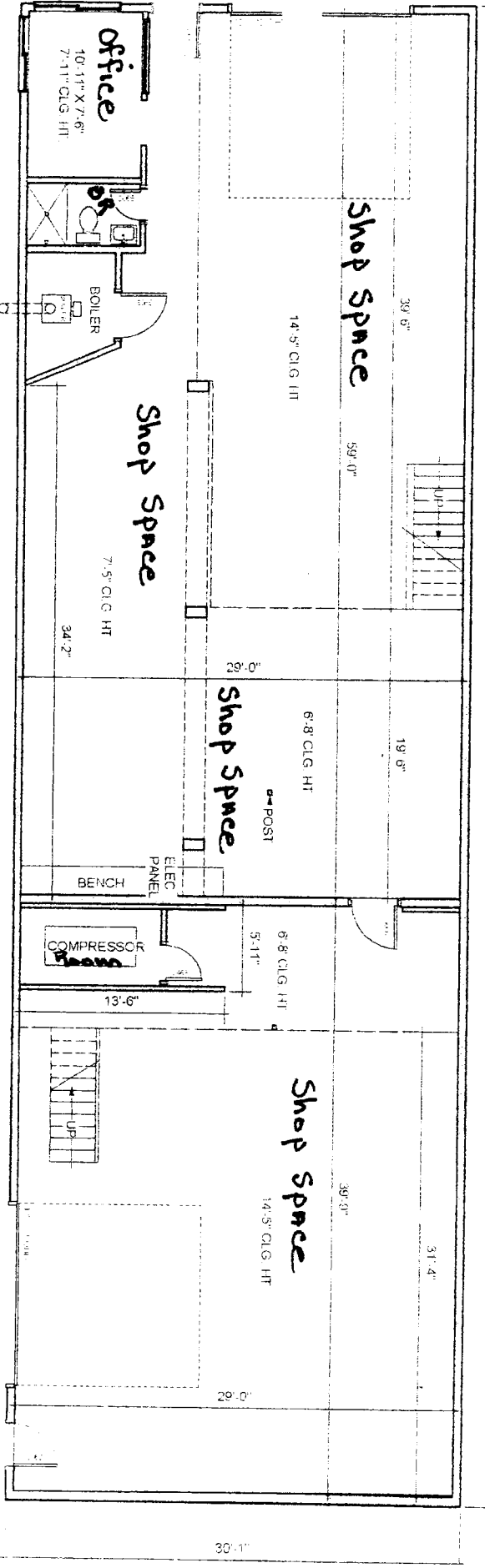
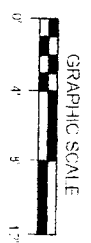
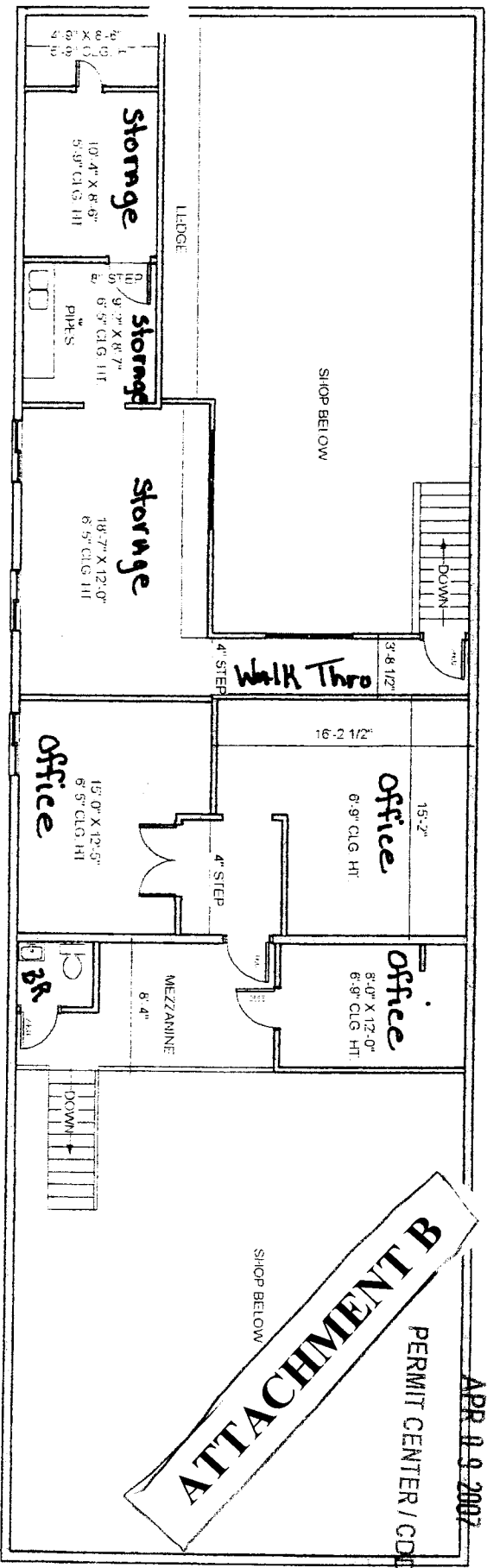


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PERMIT CENTER / CDD

ATTACHMENT B

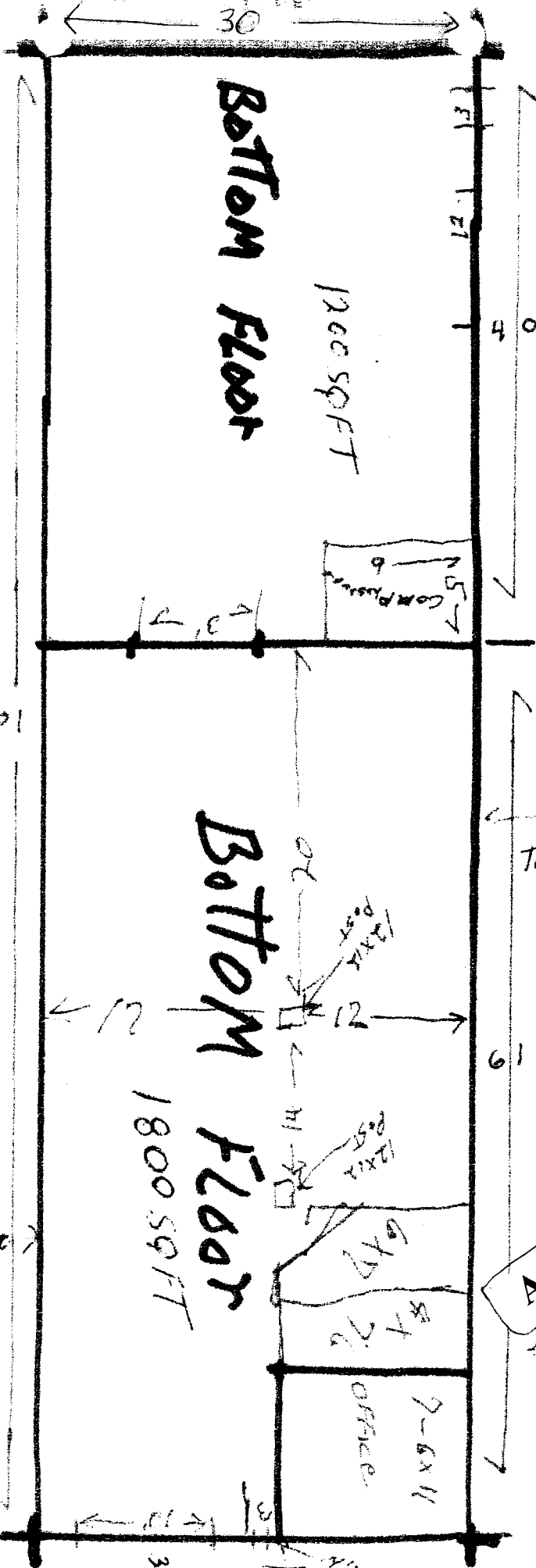


FIRST FLOOR PLAN

Excavating

Crest ST





APPENDIX  
80' TO BACK PROP LINE

SITE PLAN OF 8575 HILPAT BLVD  
FOR NUCLEAR DEMOLITION

RIGHT SIDE  
PROP. LINE

TO BLACK TOP

ATTACHMENT D

RECEIVED

APR 09 2007

PLAN FOR 15000 W. NUCLEAR FRONT



# DEVELOPMENT PERMIT APPLICATION

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

Project Number <b>PRJ07-06</b>	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <b>4/9/07</b>
Project Name (City Staff to assign name) <b>Duke Davis Bldg. Change of Use</b>		

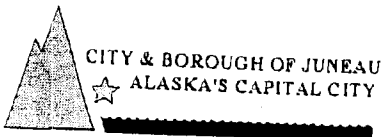
PROJECT / APPLICANT INFORMATION	Project Description <b>Change of use from an auto shop to retail space</b>																
	PROPERTY LOCATION			City / Zip													
	Street Address <b>85-75 AIRPORT WAY</b>		City / Zip <b>99801</b>														
	Subdivision (if known) <b>Valley Centre</b>	Survey (if known)	Block / Tract (if known) <b>M</b>	Lot (if known) <b>142</b>													
	Assessor's Parcel/Number (if known) <b>5-35-0-102-001-0</b>																
	LANDOWNER / LESSEE																
	Property Owner's Name <b>James M Wilcox Sh</b>		Contact Person	Work Phone No.													
	Mailing Address		Home Phone No.	FAX No.													
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY														
	<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p> <p>X <b>Jim Wilcox Sh</b> <span style="float: right;"><b>4-9-07</b></span> Landowner/Lessee Signature Date</p> <p>X <b>Gregory W Wilcox</b> <span style="float: right;"><b>4-9-07</b></span> Landowner/Lessee Signature Date</p> <p>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.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">APPLICATION TYPE</th> <th style="width: 50%;">OWNER'S INITIALS</th> </tr> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td><i>[Signature]</i></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER</td> <td><i>[Signature]</i></td> </tr> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE	<i>[Signature]</i>	VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER
APPLICATION TYPE	OWNER'S INITIALS																
ALLOWABLE USE																	
CONDITIONAL USE	<i>[Signature]</i>																
VARIANCE																	
DESIGN REVIEW																	
SUBDIVISION																	
OTHER	<i>[Signature]</i>																
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name <b>Gregory W. Wilcox</b>		Contact Person	Work Phone No.														
Mailing Address <b>1914 Church Hill Ct JUNEAU 99801</b>		Home Phone No. <b>780-4130</b>	FAX No.														
X <i>[Signature]</i> Applicant's Signature		X <b>4-9-07</b> 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					WATER PERMIT		
	X	CONDITIONAL USE APPROVAL	X	<b>4/9/07</b>	<b>WSE07-12</b>		SEWER PERMIT		
		VARIANCE					GRADING PERMIT		
		DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
		SUBDIVISION					RIGHT-OF-WAY PERMIT		
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				OTHER - (Describe)		
		BUILDING PERMIT					Permit Intake Initials		
		Zone	Total Lot Area	Required Setbacks					
			Front	Back	Side	Other			
COMMENTS:									

[I:\FORMS\CD\FORMS\PERFORM.XLS REV -2/15/99]

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS



# Public Notice Sign Lease Agreement

Community Development Department

Case # USE2007-00012 Sign # \_\_\_\_\_ Hearing Date: \_\_\_\_\_  
Assessor's Parcel # 5-B15-0-102-001-D Check # 7037 Receipt # 24150  
Applicant: Jamie Wiley R (please print) Phone # 780-41310  
Application Received by: KAC (CDD staff initials/name) Date: 4/9/07

I, \_\_\_\_\_, in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and Agree to the terms listed below:

**CHARGE:** \$50 Preparation Fee  
\$100 Refundable Deposit

**RETURN TIME:** The sign MUST be returned to the Community Development Department by 4:30 p.m. on the Friday following the scheduled hearing date.

**PENALTIES:** The sign MUST be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. If a sign is not returned on time, or has been damaged, the \$100 deposit fee will be forfeited.

**POSTING REQUIREMENTS:**

- > The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
- > Sign must be clearly visible and readable from a public Right-of-Way.

Jamie Wiley R (Applicant Signature) 4-9-07 (Date)

Sign Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_  
Sign Returned by: \_\_\_\_\_ Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

**REFUND INFORMATION:** Receipt Number: \_\_\_\_\_  
Amount Refunded: \_\_\_\_\_ Method: \_\_\_\_\_ Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_  
Refund Received by: \_\_\_\_\_ /mailed to: \_\_\_\_\_

Wednesday, April 11, 2007

**Payment Receipt**

Case # : USE2007-00012

Name : **GREGORY WILCOX**  
 1914 CHURCHILL CT  
 JUNEAU, AK 99801

Parcel No: 5B1501020010

Case Number	Description	Account Number	Receipt Number	Check Number:	Date Paid	Amount Due	Amount Paid
USE2007-00012	14 Sign Deposit	110-00-1-33-05-000	24156	7037	4/11/2007	100.00	100.00
	13 Sign Prep Fee	110-00-3-00-00-201	24156	7037	4/11/2007	50.00	50.00
	10 Class II	110-00-3-00-00-201	24156	7037	4/11/2007	400.00	400.00

Total Paid: **\$550.00**

RECEIPT PREPARED BY:

*KAC*

**GREGORY W. WILCOX**  
 ADL 0535533 PH. 780-4136  
 1914 CHURCHILL CT.  
 JUNEAU, AK 99801

89-5-1252

7037

Date 4/11/07

Pay to the order of

CBJ

\$ 689.00

Six Hundred Eighty Nine and 00/100

Dollars

**Wells Fargo Bank Alaska, N.A.**  
 Anchorage, Alaska  
 www.wellsfargo.com

For permits

*[Signature]*

⑆ 25 2000 57 ⑆ 10000 16 590 ⑆ 7037

CHECKS PRINTED IN COMPLIANCE WITH SEAS'07  
 TO REDUCE PAPER USE AND ENVIRONMENTAL IMPACT

Note: If your project involves a Plan Review or other CBJ Approval, you can check the status on the Internet at the following URL: <http://www.juneau.org/permits/> and click on Forms, Reports and Handouts then on Permit Lists/Reports under Land Use or Building Permits to see a list of active reviews.

# ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number PRJ07-56	Project Name Duke Davis Bldg <i>Change of use</i>	Case Number USE2007-00012	Date Received 4/9/07
----------------------------	------------------------------------------------------	------------------------------	-------------------------

APPLICANT INFORMATION

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

Proposing 1,800 sq feet of retail space within existing building (30,000 sq ft)  
Currently used as an auto shop and storage

MODIFICATION OF EXISTING APPROVAL?  No  Yes - CASE NUMBER \_\_\_\_\_

EXISTING USE OF LAND AND/OR BUILDING(S):

Auto shop

PROPOSED USE OF LAND AND/OR BUILDING(S):

Retail

UTILITIES PROPOSED WATER:  Public  On Site SEWER:  Public  On Site

SITE DIMENSIONS:

Width 80 ft. Depth 204.52 ft. Total Area 16,363 square feet

DIMENSIONS OF STRUCTURE: (Outside Dimensions)

Length 100 ft. Width 30 ft. Height \_\_\_\_\_ ft. Total Area 3,000 square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING

Existing to remain  No  Yes - provide fixture information, illumination pattern, and location of lighting fixtures.  
Proposed  No  Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

PARKING

Existing Spaces: 150 Proposed Spaces: \_\_\_\_\_

PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION. UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

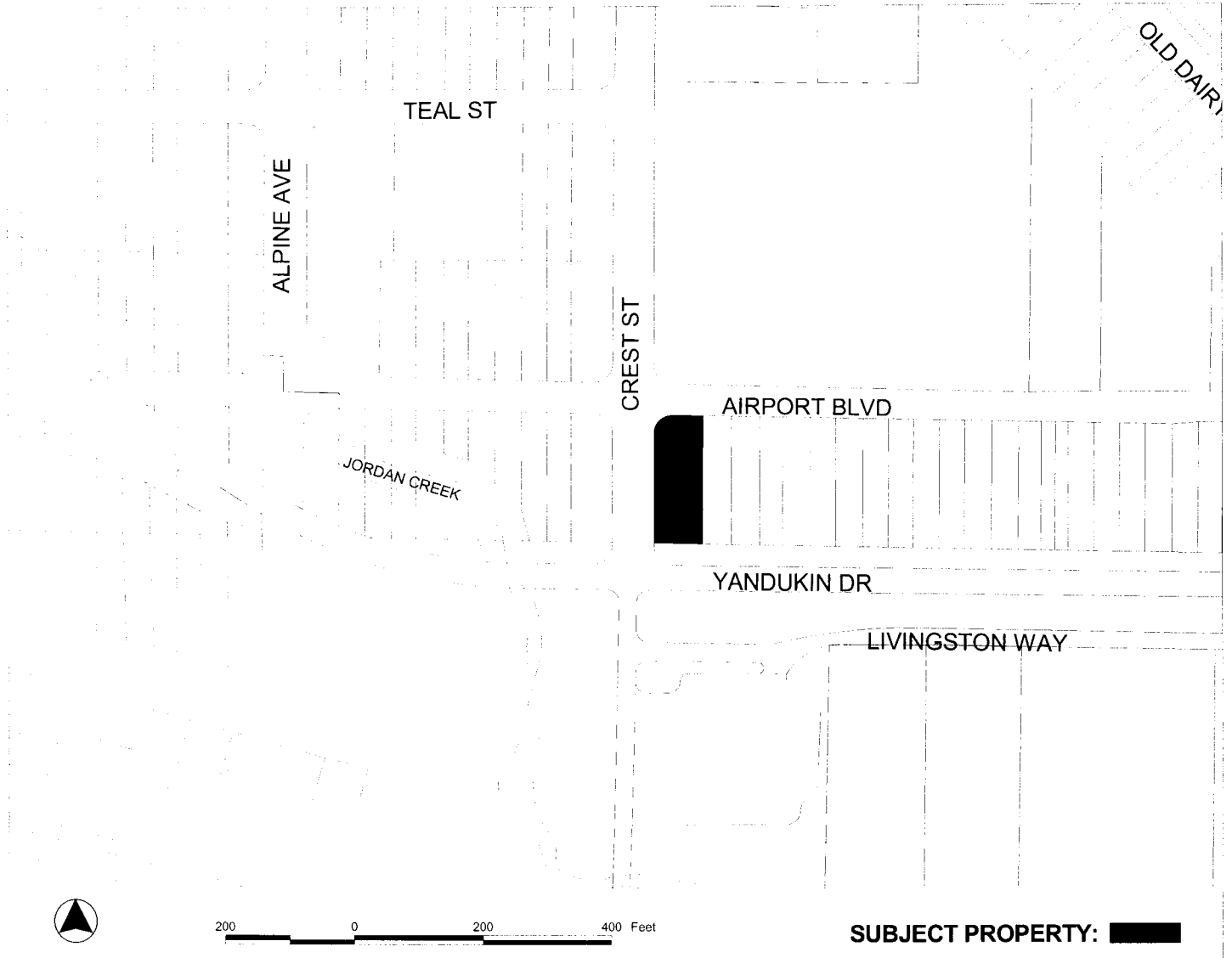
CIRCLE TYPE OF PERMIT: ALLOWABLE USE / <u>CONDITIONAL USE</u>		TABLE OF PERMISSIBLE USES CATEGORY:		
	Fees	Check No.	Receipt No.	Date
Application Fees	\$ <u>400.00</u>	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Public Notice Sign Fee	\$ <u>50.00</u>	_____	_____	_____
Public Notice Sign Deposit	\$ <u>100.00</u>	_____	_____	_____
<b>Total Fee</b>	<b>\$ <u>550.00</u></b>	<u>7037</u>	<u>24956</u>	<u>4/11/07</u>

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NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED



# NOTICE OF PUBLIC HEARING



**SUBJECT PROPERTY:** [REDACTED]

**PROPOSAL:** A Conditional Use permit to change a portion of the use of the building from an auto shop to retail space.

<b>FILE NO:</b>	USE2007-00012	<b>APPLICANT:</b>	GREGORY W WILCOX
<b>TO:</b>	Adjacent Property Owners	<b>PROPERTY OWNER:</b>	WILCOX RENTALS LLC
<b>HEARING DATE:</b>	May 8, 2007	<b>PROPERTY ADDRESS:</b>	8575 AIRPORT BLVD
<b>HEARING TIME:</b>	7:00 P.M.	<b>PARCEL CODE NUMBER:</b>	5-B15-0-102-001-0
<b>PLACE:</b>	<b>ASSEMBLY CHAMBERS</b> Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	<b>SITE SIZE:</b>	16,363 Square Feet
		<b>ZONING:</b>	Industrial
		<b>ACCESS:</b>	AIRPORT BLVD

## 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 Eric Feldt at 586-0764, or e-mail: [Eric\\_Feldt@ci.juneau.ak.us](mailto:Eric_Feldt@ci.juneau.ak.us)

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

Date notice was printed: April 25, 2007