MEMORANDUM

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

DATE:

November 2, 2011

TO:

Planning Commission

FROM:

Nicole Jones, Planner

Community Development Department

FILE NO.:

USE2011 0024

PROPOSAL:

Conditional use permit to convert an existing attached garage into a

hair salon.

GENERAL INFORMATION

Applicant:

Virginia Custer

Property Owners:

Virginia Custer, Kimberly Custer

Property Address:

4009 Spruce Lane

Legal Description:

Spruce Estates Lot 2

Parcel Code Number:

5-B25-0-125-002-0

Site Size:

9,789 square feet

Zoning:

D5

Utilities:

Public Water & Public Sewer

Access:

Spruce Lane

Existing Land Use:

Single Family Residential

Surrounding Land Use:

North

D5, Single Family Residential

South

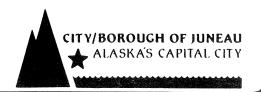
D5, Single Family Residential

East

D5, Spruce Lane, Single Family Residential

West

D5, Single Family Residential



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ATTACHMENTS

Attachment A

Vicinity Map

Attachment B

Applicant's submittals

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a one chair hair salon within an existing garage. The site is currently used as a single family residence.

BACKGROUND

This property was subdivided into its current configuration in 1980. The lot size of 9,789 square feet exceeds the 7,000 square foot minimum lot area standard for a D5 zoning district. According to the CBJ Assessor's Database the house on this property was constructed in 1981. The house is a 1,770 square foot residence with a 475 square foot attached garage. The current owner bought this property in September 2011 with the intent of opening a hair salon within the garage.

Staff solicited comments from the CBJ Community Development Building Department, Streets, General Engineering, Assessor's Office, Fire Department, and Public Works.

Comments Received:

Charlie Ford, Building Codes Official, CBJ Building Department:

The water line size may be an issue. Other than that the Building Department has no issues.

Ron King, Chief Regulatory Engineer, CBJ General Engineering:

General Engineering is ok with the use. We will deal with driveway drainage under the building permit.

John Sahnow, Appraiser II, CBJ Assessor's Office:

Thank you for the notice of application for Conditional Use Permit. I do not have any concerns, based on what I see.

Dave Crabtree, Utilities Superintendent, CBJ Public Works:

This change will require a metered service, so those permits and costs would need to be included.

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<u>ANALYSIS</u>

The applicant purchased this property with the intent to operate a home-based hair salon business out of the garage. This proposal does not meet the Home Occupation definition found at CBJ § 49.80.120. The proposal specifically does not meet criterion 3 of the Home Occupation definition.

CBJ § 49.80.120 Home occupation means any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, and meeting the following criteria:

- (1) The use of a dwelling unit for the home occupation is clearly incidental and subordinate to its use for residential purposes by its occupants, involves no employees, and takes up no more than 25 percent of the net floor area or 500 square feet, whichever is less, in the dwelling;
- (2) The home occupation results in no change to the outside appearance of the building and no other visible nonilluminated evidence of the conduct of such home occupation other than one nonprojecting facade-mounted sign one square foot or less in area;

(3) The home occupation generates no traffic and requires no parking in excess of that normally to be found in the neighborhood; and

(4)No equipment or process is used which creates noise, vibration, glare, fumes, odors or electrical interference off the site of the home occupation.

Because of the nature of hair salons, additional traffic and parking will occur at the site. Since this project does not meet the Home Occupation criteria, a Conditional Use permit is required as outlined in section 3.050 of the Table of Permissible Uses (CBJ 49.25.300).

Project Site – The project site is a 0.22 acre, D-5 zoned parcel. This parcel currently has a single family home with an attached garage. As part of this project, the applicant will be expanding the existing driveway to accommodate client parking. This site is located off of Mendenhall Loop Road across from Floyd Dryden Middle School. (see attachment A)

Project Design – The proposed full-service hair salon is to be located within the existing attached garage. The salon is designed to be a "one-chair" salon serving one customer at a time. The garage is 475 square feet providing; seating area, desk, work station, and a shampoo sink which makes up the main part of the salon. There will also be a restroom, washer and dryer and storage area.

The applicant has proposed hours of operation from 10 am to 6 pm Monday-Saturday. The applicant will be the only employee and does not have plans to expand the operation beyond what is presented in this proposal.

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Staff recommended conditions:

- 1. The maximum number of chairs for this salon shall be limited to one.
- 2. The hours of operation shall be limited to Monday-Saturday 10 am to 6 pm.

Traffic – At a maximum there could be 16 appointments in one day (one appointment every 30 minutes). A Traffic Impact Analysis is not required for projects with less than 250 average daily trips, therefore this project will not require a Traffic Impact Analysis (CBJ §49.40.300(a)(2)). It is more likely that appointments will be spaced at one hour intervals resulting in 8 appointments per day.

	Appointments/day	Vehicle Trips/day	Vehicle Trips/week
Maximum	16	32	192
Average amount	8	16	96
Expected amount	6	12	72

The applicant states that she will likely have 6-8 appointments per day since some scheduled appointments are 1.5-2 hours in length. This amount of traffic is slightly higher than what is typical of a single family household but is not expected to negatively impact the neighborhood. A single family residence on average has 10 vehicle trips per day. A majority of the appointments are scheduled during non-peak driving times during the weekdays. Spruce Lane is a dead end street and the only access is off of Mendenhall Loop Road. Additionally, since this property is the second property on Spruce Lane, drivers will not need to travel very far into this neighborhood. Because of this location, there will be minimal impacts to the neighborhood.

Parking and Circulation – The Land Use Code does not list "salon" as a use under the parking section of code. The Land Use Code lists "medical and dental clinics" and "banks and offices". In the former Table of Permissible Uses, barber shops and salons were included within "offices providing customer service". This use therefore, is most similar to "banks and offices" where the parking requirement is 1 parking space per every 300 square feet of gross floor area per CBJ § 49.40.210(a). The square footage of this proposal is 475 square feet resulting in the need of 2 parking spaces with one of the two spaces meeting accessible parking space requirements per CBJ § 49.40.210(b)(3)(A).

The applicant will be addressing parking by expanding the driveway to accommodate 2 parking spaces for the hair salon and 2 parking spaces for the existing residence. The applicant has also stated that there will be a designated location for snow storage that does not impact on-site parking spaces. The snow storage location is south of the driveway.

Noise – Noise is not expected to be a concern. There should be no noise heard at the property line from operations performed within the garage. It is likely that any process occurring from the salon would not be heard outside of the garage. The only noise that is expected to occur is from customers arriving and leaving the site.

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Public Health or Safety – There are no anticipated negative impacts that would result from the approval of this proposal. Charlie Ford, Building Codes Official, stated above that there are no concerns from the Building Department other than the water line size. The water line size will be addressed during the building permit review and is not a safety concern. No comments were received from the CBJ Streets Department. The design of the driveway eliminates the need for backout parking, thus eliminating a parking safety concern.

Habitat - Duck Creek is located near this property; however, the project site is not located within the 50 foot anadromous stream setback. This property does not have any mapped wetlands; this property is not within a floodplain, nor is there an eagle's nest located near this property. Additionally, other than driveway expansion, the footprint of this proposed hair salon already exists. There are no known habitat concerns for this project at this time.

Property Value or Neighborhood Harmony – As noted by the CBJ Appraiser, John Sahnow, there are no apparent property value concerns that would result from an approval of this proposal.

Staff received a phone call from a concerned neighbor on Thursday, October 27, 2011. The neighbor expressed concerns that this use is not compatible with the neighborhood. The neighbor is also concerned with increased traffic. However, at the date of this memorandum, no written testimony has been received by staff.

Conformity with Adopted Plans - The City and Borough 2008 Comprehensive Plan encourages small-scale neighborhood commercial uses that provide goods and services.

2008 Comprehensive Plan of the City and Borough of Juneau

Policy 10.10 It is the policy of the CBJ to encourage small-scale neighborhood convenience commercial uses in appropriate areas in new neighborhoods and with appropriate operating measures within existing neighborhoods.

10.5.SOP4 Encourage the location and design of small-scale commercial developments that provide convenient shopping and personal services within or near residential neighborhoods. The building and parking siting and design should ensure mitigation of noise, light and glare, odor and litter impacts to adjacent residential neighborhoods. Any neighborhood-commercial development should be accessible via improved pedestrian and bicycle routes and should provide secure and dry bicycle racks.

The policy encourages the locations of small-scale business to be located in such a way that citizens are able to walk or bicycle to reach the business. This location is uniquely situated adjacent to a multi-use path which allows for easy and safe access to the property. It is unknown what the customer base will be for this business, but it seems reasonable due to the proximity to the bike path that the applicant provide a safe and dry location for bicycles.

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Staff recommends the following condition:

1. A covered bike storage location allocating space for 2 bicycles shall be provided.

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;
- 2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
- 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 §49.15.330 (e) & (f), Review of Director's & Commission'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 3.050 for the D5 zoning district.

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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 Friday, October 28, 2011, and Monday, November 7, 2011, 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.** As discussed above, there has been no evidence presented to suggest that this proposal will materially endanger the 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 in the staff report, this proposal will not substantially decrease the value of or be out of harmony with property in the neighboring area.
- 6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. As noted in the preceding staff report, this project conforms with the CBJ Land Use Code and the 2008 CBJ Comprehensive Plan. This proposal specifically conforms to Policy 10.10 of the 2008 CBJ Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

N/A. As discussed previously, no element of this project is related to the Juneau Coastal Management Program.

RECOMMENDATION

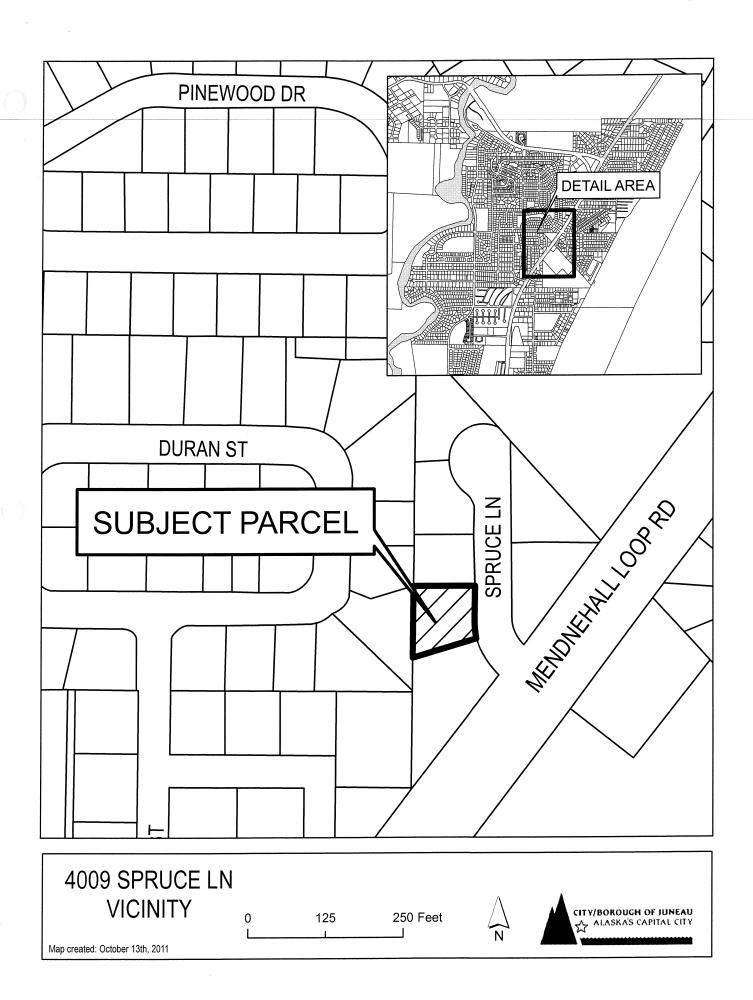
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a one-chair hair salon within an existing attached garage. The approval is subject to the following conditions and advisory conditions: Planning Commission File No.: USE2011 0024 November 2, 2011 Page 8 of 8

Staff recommended conditions:

- 1. The maximum number of chairs for this salon shall be limited to one.
- 2. The hours of operation shall be limited to Monday-Saturday 10 am to 6 pm.
- 3. A covered bike storage location allocating space for 2 bicycles shall be provided.

Advisory conditions:

- 1. Signs are regulated under CBJ §49.45. A separate permit is required for most signs. Contact the Community Development Department for more information prior to designing, purchasing, or installing exterior signs.
- 2. Any increase in hours of operation or number of employees shall require Planning Commission approval.



ATTACHMENT A

NOTICE OF PUBLIC HEARING PINEWOOD ASPEN AVE VALLEY BLVD NUGGET NUGGET Floyd Dryden Middle School CHANNCIE 800 Feet SUBJECT PROPERTY:

PROPOSAL: A Conditional Use permit to convert an existing attached garage into a hair salon.

FILE NO:

USE20110024

TO:

Adjacent Property Owners

HEARING DATE: November 08, 2011

HEARING TIME: 7:00 PM

PLACE:

ASSEMBLY CHAMBERS

Municipal Building 155 South Seward St Juneau, Alaska 99801 APPLICANT: VIRGINIA J CUSTER: KIMBERLY B CUSTER

Parcel #:

5-B25-0-125-002-0

Owner(s):

VIRGINIA J CUSTER & KIMBERLY B CUSTER

Size:

9,789 sqft

D-5

Zoned:

Site Address: 4009 SPRUCE LN

Accessed via: SPRUCE LN

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 Nicole Jones at (907)586-0218 or e-mail nicole_jones@ci.juneau.ak.us

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

DEVELOPMENT PERMIT APPLICATION

Project I	Number	CITY and BOROL	JGH of JUI	NEAU Dat	e Received:	
Project I (City Staff	Name to Assign Name)					
	Project Description	nair salon				
ATION	PROPERTY LOCATION Street Address Legal Description(s) of Parcel(s) (Assessor's Parcel Number(s)	Subdivision, Survey, Block, Tract, L	ot)	City/Zip	AL	
INFORMATION	LANDOWNER/ LESSEE Property Owner's Name Mailing Address E-mail Address Diramanustar 20	ter Kimburly (Lane 5036 yahoo Con	instir-	Contact Person: Vir Air Air Home Ribone: Air Air Air Air Other Contact Phone Air Air Air Air Other Contact Phone	Work Phone: 10,3-43 Fax Number:	ام
CT / APPLICANT	A. This application for a land B. (we) grant permission for application. X Landowner/Lessee Sign X Landowner/Lessee Sign NOTICE: The City and Borough of Ju	s) of the property subject to this applicated use or activity review for development or officials and employees of the City and acture	ation and I (we) cons t on my (our) proper nd Borough of Junea	tent as follows: ty is made with my co	perplete understanding and per erty as needed for purposes of Date Date Understanding and per	this
ROJEC (APPLICANT If Applicant's Name Mailing Address	the same as OWNER, write "SAME" a	(Contact Person:	Work Phone: Fax Number:	
<u>a</u>	E-mail Address X Applicant's Signature	luder	C	Other Contact Phone	Number(s):	
		OFFICE USE ONLY B	ELOW THIS LINE			
S	Permit Type Building/Grading Permit City/State Project Review and C Inquiry Case (Fee In Lieu, Letter of		sign Date R	eceived	Application Number(s)
 	Mining Case (Small, Large, Rural, I	Extraction, Exploration)				

Permit Type

Building/Grading
Permit
City/State
Project Review and City Land Action
Inquiry Case
(Fee In Lieu, Letter of ZC, Use Not Listed)
Mining Case
(Small, Large, Rural, Extraction, Exploration)
Sign Approval
(If more than one, fill in all applicable permit #'s)
Subdivision
(Minor, Major, PUD, St. Vacation, St. Name Change)
(Minor, Major, PUD, St. Vacation, St. Name Change)
Variance Case
(De Minimis and all other Variance case types)

Wetlands
Permits
Zone Change
Application
Other
(Describe)

***Public Notice Sign Form filled out and in the file.

Comments:

Application

Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
1:\(\text{I:FORMS\}\)\(\text{2010}\) Applications

Revised November 2009

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

	Project Number Project Na	me (15 characters) Case Number Date Received				
		USE11-24 10-10-11				
	TYPE OF ALLOWABLE OR	CONDITIONAL USE PERMIT REQUESTED				
	Accessory A	partment*** (AAP) Driveway in Right-of-Way (ADW)				
	Use Listed in					
	(Table of Permissible Uses) Please list the Table of Permissible Uses Category: 3.050					
	***An Accessory Apartment Application will also be required.					
	DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS					
	NEEDED. to Out in a hair salon Beauty Shop					
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CAN	IS THIS A MODIFICATION O	AN EXISTING APPROVAL? NO YES - Case #				
J J J	CURRENT USE OF LAND OF	BUILDING(S): DOME				
<u>Ц</u>						
ב ה	PROPOSED USE OF LAND	R BUILDING(S): Change the garage into a full service				
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CIVIL						
ט בים	UTILITIES PROPOSED:	WATER: Public On Site SEWER: Public On Site				
2	SITE AND BUILDING SPECI					
	Total Area of Lot 978					
	Total Area of Proposed Stru	ture(s) 4 +5 square feet				
	EXTERNAL LIGHTING:	Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures				
	Existing to remain Proposed X	Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures				
	PROJECT NARRATIVE AND					
	Site Plan	Existing and proposed parking areas (including dimensions) and proposed traffic circulation				
	Floor Plan of proposed	equildings Existing Physical Features of the site (drainage, habitet hazard areas, etc.)				
	Proposed Vegetative C	liabitat, fiazaru areas, etc.)				
	For more information regarding	ALLOWABLE/CONDITIONAL USE FEES the Fees Check No. Receipt Date				
	permitting process and the subr	ittals Application Food				
	required for a complete applic please see the reverse side.	Admin. of Guarantee \$				
		Adjustment \$				
	If you need any assistance fillin this form, please contact the F	100				
	Center at 586-0770.	Pub. Not. Sign Deposit \$ 100.5 Total Fee \$ 15650.00 5022 (100.2171 10-10-11)				
- 1						

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

I Virginia Custer am proposing putting a single chair hair salon in the all ready existing garage. The garage is 475 sq ft I will have a full handicap bathroom as well a handicap entrance. I only work on one person at a time and only need one parking place for them they will not need to park in the street as there is a parking spot for them in the drive way.

I will replace the garage door with a double door and frame in the extra, there is a existing window and that will remain. I will bring in pluming to the bathroom, shampoo sink, as well as the utility sink. I will be replacing the indoor lighting to track lights. I would also like to do hard wood floors. There is already heat in the area via a electric base board located under the window.

Thank you for your help in this, Virginia &Kimberly Custer

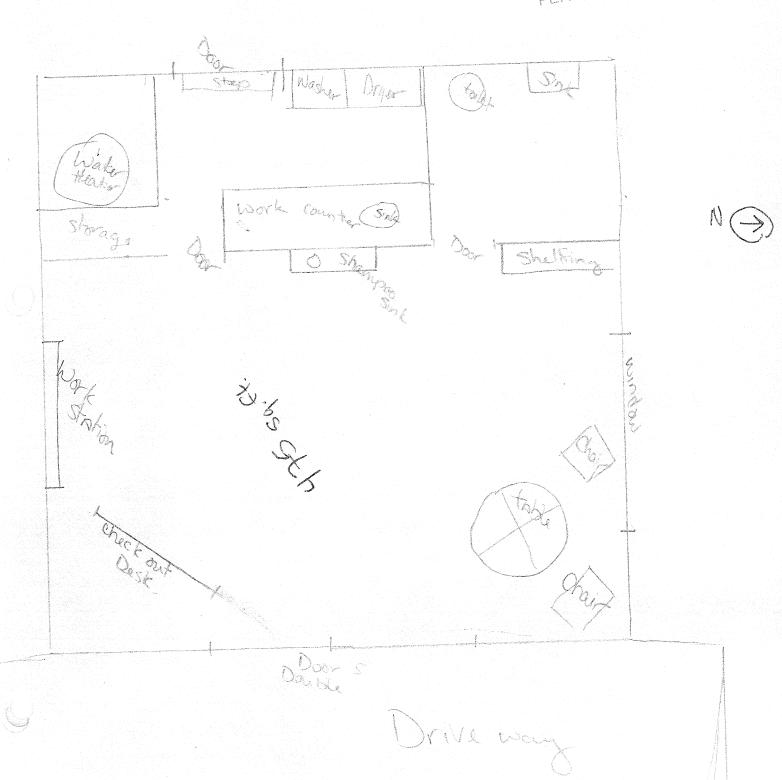


Mos Chos

RECEIVED

NOV 0 2 2011

PERMIT CENTER/CODD



C ev 38.60 **OMNEB** NOB ADDRESS HLE NO. each square is 45 feet look total Driveway-proposed

APPROVED	OWNER(S) OF SITE & STRUCTURE(S) (PRINT) ONE CHANGE WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL SIGNATION OWNER(S) OF SITE & STRUCTURE(S) (PRINT) SIGNATION OWNER(S) OF SITE & STRUCTURE(S) (PRINT) SIGNATION OWNER(S) OF SITE & STRUCTURE(S) (PRINT)		1000 T 188 18	INDICATE NORTH IN CIRCLE	LOT SQ. FT. AREA OCCUPIED INSTRUCTIONS TO INSTRUCTIONS TO INSTRUCTIONS TO INSTRUCTION OF BE USED WHEN PLOT PLANS DRAW PERMIT APPLICATION. (EACH BUILDING SITE MUST HAVE A SET ON STRUCTION AND EXISTING IMPROVEMENTS. SHOW EASEMENTS, FINISH CONTOURS OR DRAINAGE, FIRST FLOOVICE ELEVATION. SHOW LOCATION OF WATER, SEWER, GAS OF SURVEY PINS, SPECIFY THE USE OF EACH BUILDING AND ON GRAPH SQUARES.
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	SHOWN S) OR AUTHORIZED REPRESENTATIVES				PERMIT NO SO FT. ADDITION THAN 1"-20" ARE FILED WITH W.: LOCATION OF PROPOSED TIBACK DIMENSIONS, SHOW ELEVATION AND SEWER SER- MICE LINES, SHOW LOCATION REOF, SHOW LOT DIMENSION

Driveway - Existing