


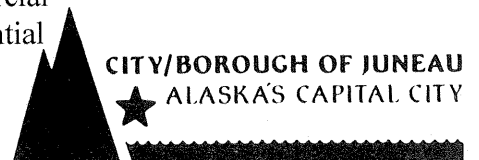
MEMORANDUM

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

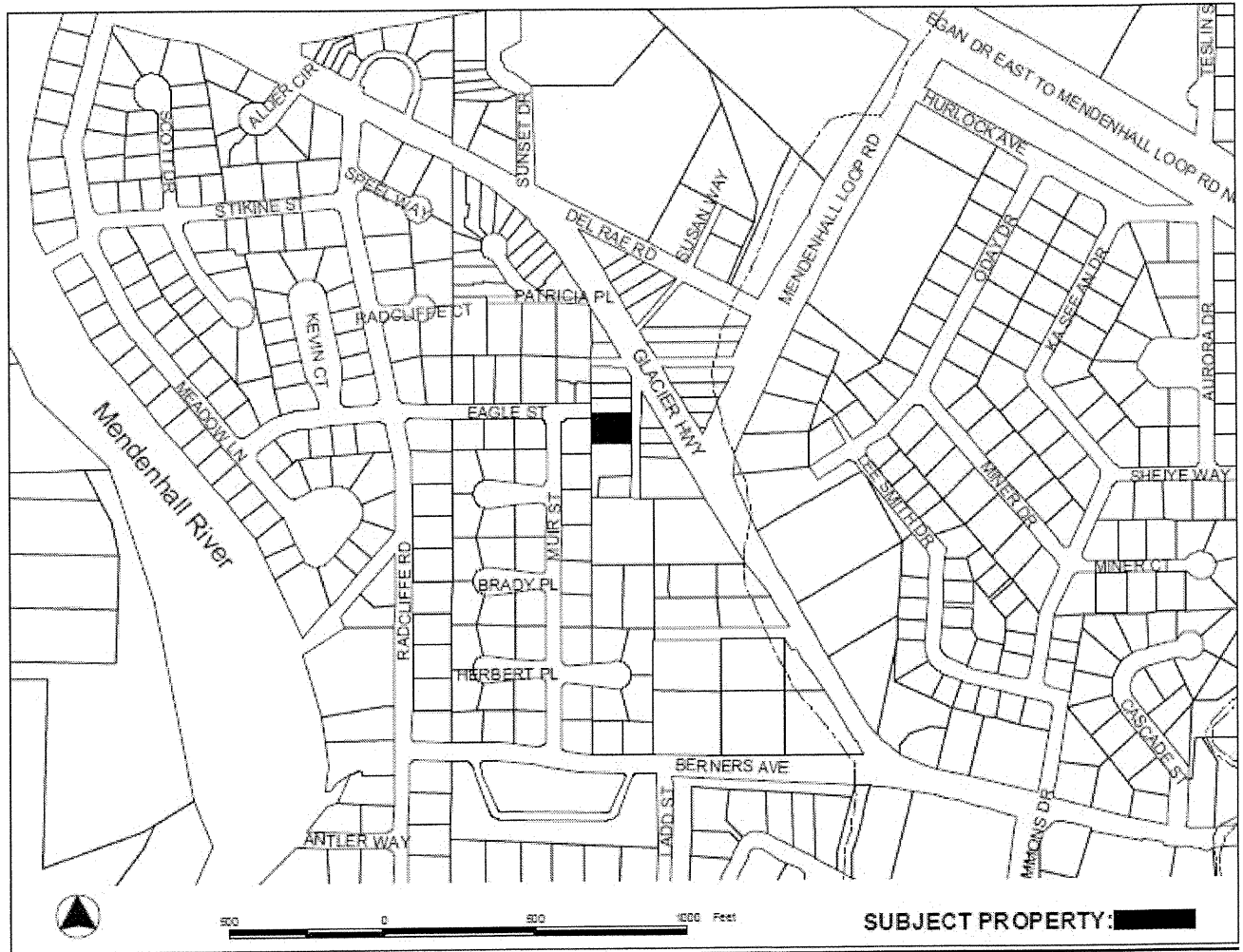
DATE: April 3, 2013
TO: Planning Commission
FROM: Jonathan Lange, Planner 
Community Development Department
FILE NO.: USE2013 0006
PROPOSAL: Use of existing building as a veterinarian clinic.

GENERAL INFORMATION

Applicant: Samuel P Smith
Property Owner: R H Rentals LLC
Property Address: 2201 Dunn Street
Legal Description: J.W. McKinley Block 32 Lot 7A
Parcel Code Number: 5-B16-0-113-004-2
Site Size: 10,400 square feet
Comprehensive Plan Future
Land Use Designation: GC – General Commercial
Zoning: Light Commercial
Utilities: City sewer and water
Access: Dunn Street
Existing Land Use: Commercial
Surrounding Land Use:
North - LC, Commercial
South - LC, Commercial
East - LC, Commercial
West - D-5, Residential



Vicinity Map



ATTACHMENTS

- Attachment A - Notice of Public Hearing
- Attachment B - Conditional Use Permit and Development Permit Application
- Attachment C – Applicant’s Narrative
- Attachment D – Site Plan and Interior Plan
- Attachment E – Pictures of Existing Site and Building

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a Veterinarian Clinic in an existing vacant building. The proposed clinic would be approximately 1,400 square feet or approximately half of the first floor of the building at 2201 Dunn Street. A Conditional Use Permit is required for a Veterinary Clinic in the Light Commercial zoning district in which the building is located, per the City and Borough of Juneau's Land Use Code in the Table of Permissible Uses, CBJ 49.25.300.12.000 Services and Enterprises Related to Animals, 12.100 Veterinary Clinic.

This proposal is based on the applicant's desire to open their own Veterinarian practice and to serve the community's need for another veterinarian clinic. The proposed clinic would be called Tongass Veterinary Services, and would be a one doctor, dog and cat, small animal hospital to serve Juneau's pets. Greater than 90% of the proposed business would be a simple outpatient clinic with clients coming for short appointments. The applicant states also "The only animals housed in the clinic will be the occasional hospitalized patient due to severe illness. I just want to make it clear that I'm not in the business of housing animals."

ANALYSIS

Project Site and Design - The site is located in a Light Commercial zoning district on Dunn Street off of Glacier Highway. The lot size is 10,400 square feet and is surrounded by light commercial development on the east, north and south. To the west of the lot is a D-5 residential zoning district and a single-family home.

The proposed clinic would consist of a reception area with product sales, 3 examination rooms, a storage room, an operation room, an area to hold animals, a break room, and a bathroom.

Traffic, Parking and Circulation – The facility will be accessed via Dunn Street off of Glacier Highway. The proposed project has adequate space for parking and meets the parking requirements for a medical clinic. The parking requirement for Medical clinics per the City and Borough of Juneau's Land Use Code, CBJ 49.40.210 Minimum Space and Dimensional Standards for Parking and Off-street Loading (a) Table of minimum parking standards states 1 parking space per 200 square feet of gross floor area. The proposed clinic would be 1,400 square feet, thus the clinic is required to provide seven spaces. Please see Attachment D for proposed parking.

Noise – The proposed development might bring up some concerns about noise of barking dogs. This is mitigated by the clinic only having occasional overnight hospitalized animals. Animals will only be overnighed on occasion due to severe illness. Staff proposes conditions of approval for the proposed development; condition one (1) that no animals shall be left overnight in the facility except for severe medical reasons, and condition two (2) that after hours contact information shall be prominently posted on the outside of the building, so that in case of noise from overnighed dogs that the clinic can be contacted. These conditions would mitigate the potential noise issue.

Public Health or Safety – There are no public health or safety issues associated with this development.

Habitat – There are no habitat issues associated with this development.

Property Value or Neighborhood Harmony – Available evidence indicates that the proposed clinic will maintain property value and neighborhood harmony, as long as the clinic does not house or kennel dogs overnight. The proposal and intent of the applicant is to only on occasion have animals overnight due to severe illness and need of hospitalization.

Conformity with Adopted Plans – The project substantially conforms to the 2008 Juneau Comprehensive Plan in Policy 13.3 as follows:

POLICY 13.3 TO PROMOTE QUALITY MEDICAL AND SOCIAL SERVICES IN THE CBJ TO ENSURE THE SAFETY, HEALTH, WELL-BEING AND SELF-SUFFICIENCY OF ITS RESIDENTS.

The proposed development meets the intent of this policy by providing health care to Juneau pets.

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 12.100 for the Light Commercial 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 March 29, 2013 and April 8, 2013 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 described in the preceding analysis, available evidence indicates that the proposed development will not 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. As described in the above analysis the applicant does not plan to "board" animals in the proposed veterinarian clinic, the occasional overnight patient will be considered due to "severe illness" and need for overnight hospitalization; thus there is no evidence to conclude that the proposed development would substantially decrease the value of or be out of harmony with property in the neighboring area. Staff has proposed two conditions to minimize noise impact to adjacent properties: First, condition one, that no animals shall be left overnight in the facility except for severe medical reasons; and second, condition two, after hours contact information shall be prominently posted on the outside of the building.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The proposed development meets the intent of the 2008 Juneau Comprehensive Plan, specifically Policy 13.3 regarding community services.

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?

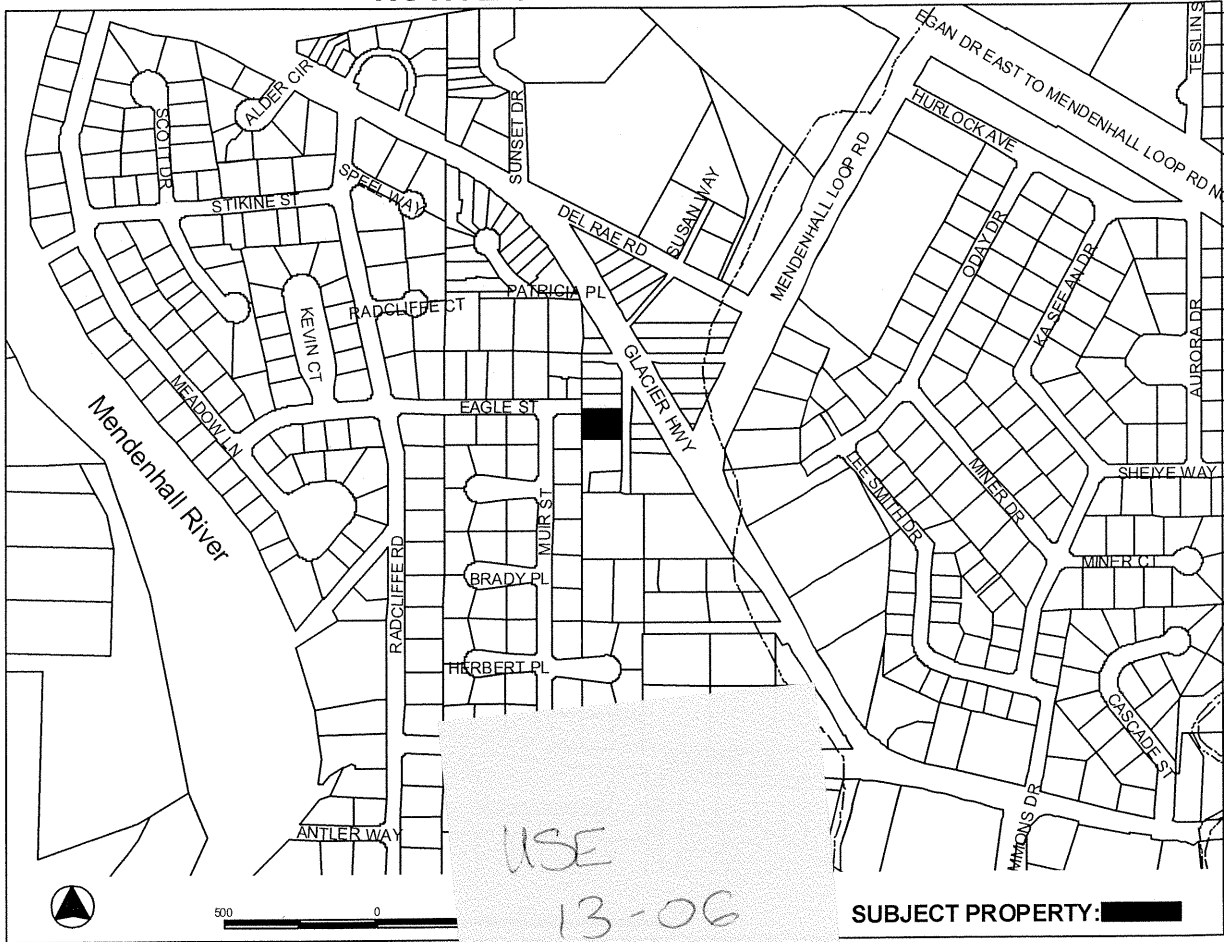
Not applicable.

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 approximately 1,400 square foot Veterinarian Clinic at 2201 Dunn Street, with the following recommended conditions:

1. No animals shall be left overnight in the facility except for severe medical reasons.
2. After hours contact information shall be prominently posted on the outside of the building.

NOTICE OF PUBLIC HEARING



PROPOSAL: Conditional Use Permit for existing building as a veterinarian clinic.

<p>FILE NO: USE2013 0006</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Apr 09, 2013</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: SAMUEL P SMITH</p> <p>Property PCN: 5-B16-0-113-004-2</p> <p>Owner: R H RENTALS LLC</p> <p>Size: 10,400 sqft</p> <p>Zoned: Light Commercial</p> <p>Site Address: 2201 DUNN ST</p> <p>Accessed via: DUNN ST</p>
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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 Jonathan Lange at jonathan_lange@ci.juneau.ak.us or at 586-0218.

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

Date notice was printed: March 27, 2013

ATTACHMENT A

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number <i>USE 13-06</i>	Project Name (15 characters)	Case Number	Date Received <i>3/4/13</i>																																
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED <input type="checkbox"/> Accessory Apartment*** (AAP) <input type="checkbox"/> Driveway in Right-of-Way (ADW) <input checked="" type="checkbox"/> Use Listed in §49.25.300 (USE) (Table of Permissible Uses) Please list the Table of Permissible Uses Category: <u><i>12.100</i></u> *** An Accessory Apartment Application will also be required. <u><i>VET CLINIC</i></u>																																			
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u><i>USE OF EXISTING BUILDING AS VETERINARIAN CLINIC</i></u>																																			
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - Case # _____																																			
CURRENT USE OF LAND OR BUILDING(S): <u><i>SEE RLD-09-247</i></u> <u><i>VACANT / COMMERCIAL</i></u>																																			
PROPOSED USE OF LAND OR BUILDING(S): <u><i>APPROX: 1400 SQ FT TO BE USED AS A VETERINARIAN CLINIC</i></u>																																			
UTILITIES PROPOSED: WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site																																			
SITE AND BUILDING SPECIFICS: Total Area of Lot <u><i>10,400</i></u> square feet Total Area of Existing Structure(s) <u><i>7,000</i></u> square feet Total Area of Proposed Structure(s) <u><i>0</i></u> square feet <u><i>NO NEW STRUCTURE PROPOSED</i></u>																																			
EXTERNAL LIGHTING: Existing to remain <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed <input type="checkbox"/> No <input type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures <u><i>SEE BLD 09-247</i></u>																																			
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: <u><i>SEE ALSO USE-2003-0049, VAR-2005-0035</i></u> <input type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation <input checked="" type="checkbox"/> Floor Plan of proposed buildings <u><i>ATTACHED</i></u> <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) <input type="checkbox"/> Elevation view of existing and proposed buildings <input checked="" type="checkbox"/> Proposed Vegetative Cover <u><i>SEE USE 2003-0049</i></u>																																			
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">ALLOWABLE/CONDITIONAL USE FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u><i>500.00</i></u></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u><i>50.00</i></u></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u><i>100.00</i></u></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u><i>650.00</i></u></td> <td><u><i>ccard eli310</i></u></td> <td><u><i>3/4/13</i></u></td> </tr> </tbody> </table>			ALLOWABLE/CONDITIONAL USE FEES					Fees	Check No.	Receipt	Application Fees	\$ <u><i>500.00</i></u>	_____	_____	Admin. of Guarantee	\$ _____	_____	_____	Adjustment	\$ _____	_____	_____	Pub. Not. Sign Fee	\$ <u><i>50.00</i></u>	_____	_____	Pub. Not. Sign Deposit	\$ <u><i>100.00</i></u>	_____	_____	Total Fee	\$ <u><i>650.00</i></u>	<u><i>ccard eli310</i></u>	<u><i>3/4/13</i></u>
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT B

DEVELOPMENT PERMIT APPLICATION

Project Number <i>USE20130006</i>	CITY and BOROUGH of JUNEAU	Date Received: <i>3/4/13</i>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT	Project Description	<i>USE EXISTING Building as VETERINARIAN Clinic</i>		
	PROPERTY LOCATION			
	Street Address	<i>NHN DUNIV ST.</i>		City/Zip
			<i>Juneau 99801</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)			
	<i>Lot 7A Blk 32 McKinley SUBD.</i>			
	Assessor's Parcel Number(s)			
	LANDOWNER/ LESSEE			
	Property Owner's Name		Contact Person:	Work Phone:
<i>P.H. Rentals</i>		<i>Rich Harris</i>	<i>523-0540</i>	
Mailing Address		Home Phone:	Fax Number:	
<i>P.O. Box 32403</i>				
E-mail Address		Other Contact Phone Number(s):		
<i>rhddevelopment@gci.net</i>		<i>728-4791</i>		
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****				
I am (we are) the owner(s) or lessee(s) 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.				
<input checked="" type="checkbox"/>	<i>[Signature]</i> Landowner/Lessee Signature		<i>3/1/2012</i> Date	
<input checked="" type="checkbox"/>	Landowner/Lessee Signature		Date	
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 may visit the property before the scheduled public hearing date.				
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below				
Applicant's Name		Contact Person:	Work Phone:	
<i>Samuel P. Smith</i>		<i>Sam Smith</i>	<i>907 209 7819</i>	
Mailing Address		Home Phone:	Fax Number:	
<i>PO Box 32173 Juneau AK 99803</i>				
E-mail Address		Other Contact Phone Number(s):		
<i>samsmithdvm@gmail.com</i>				
<input checked="" type="checkbox"/>	<i>[Signature]</i> Applicant's Signature		<i>3/1/13</i> Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	***SIGN	Date Received	Application Number(s)
		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)			
	<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<i>3-4-13</i>	<i>USE20130006</i>
		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:					Permit Intake Initials
					<i>[Signature]</i>

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

ATTACHMENT B

3/7/2013

To Whom It May Concern:

This letter is to serve in support of the allowable use permit for Tongass Veterinary Services. My name is Sam Smith and I'm a local veterinarian. I have been practicing in Juneau and southeast Alaska as a veterinarian for 2 years. I want to open a small animal hospital in Juneau. This community's pets needs another clinic. I am currently planning to rent a commercial space on Dunn St. from RH Development, and pay to finish out the interior as a small veterinary clinic.

I understand an allowable use permit is required for any business having anything to do with animals. I just want to clarify what it is I do to facilitate this permit being issued. I am planning to change Smith Equine, a mobile horse practice, into Tongass Veterinary Services (TVS).

TVS will be a small, one doctor dog and cat clinic serving Juneau's pets. It is not, in any way, a dog boarding or grooming facility. There will not be a group of obnoxious animals acting as a nuisance in the neighborhood. Greater than 90% of my business will be on a simple outpatient basis with clients coming and going for short appointments. The only animals housed in the clinic will be the occasional hospitalized patient due to severe illness. I just want to make it clear that I'm not in the business of housing animals. If they're not ill enough to be hospitalized, I don't want them staying in the facility for any extended period of time. Likewise, there will not be an issue with dog and cat waste around the perimeter of the facility. Occasionally a hospitalized patient will need to go around back of the building, and this will be cleaned by my staff immediately. Furthermore, I can't foresee any risks or threats my conducting business as a veterinarian could have to the surrounding small businesses in the area.

If you have any questions, please do not hesitate to ask me. I'm more than happy to give explanation regarding anything I plan to do.

Sincerely,

Samuel P. Smith, MS, DVM

ABC

ALASKA
BUILDING
CONSULTANTS
2514 DOUGLASS HWY
DENVER, COLORADO
303-754-2004 FAX
BUILDING@ABCALCO.COM



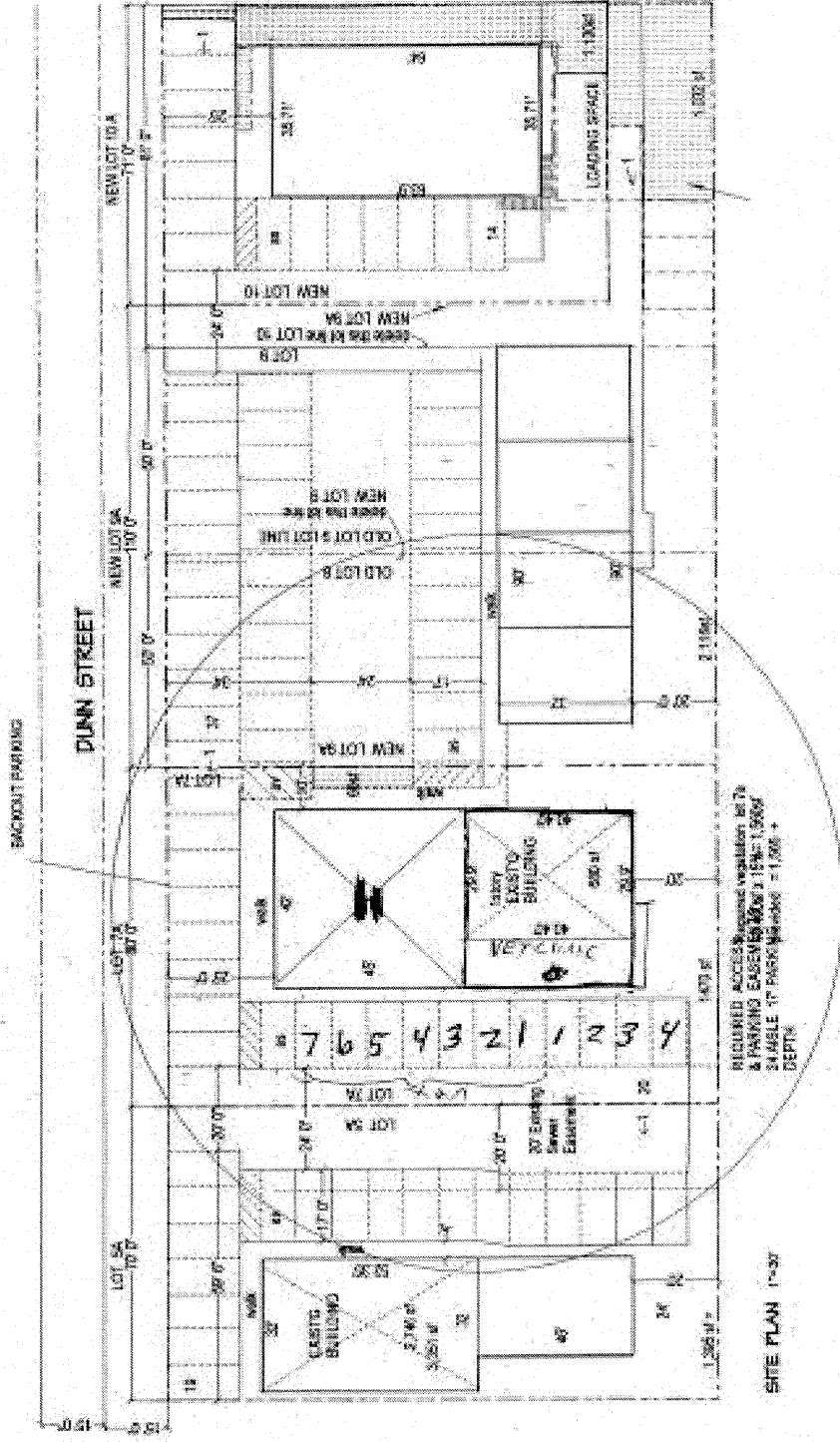
3-4-07

R H DEVELOPMENT
MCKINLEY, BLOCK 32, LOT 7 A
JUNEAU, ALASKA

USE 20130006

34-07

A2⁰¹¹



SEE: BLDG-2407
MAY 11 2007
PERMIT

RECEIVED
MAY 15 2007
PERMIT CENTER/D

SEE: BLDG-2407

ATTACHMENT D

SITE PLAN 1"-3"

- Common Development
- Zoning LC (Light Commercial)
- Lot Size: 10625 SF APPROX
- Setbacks: 10' ALL SIDES EXCEPT FRONT
- Vegetation: 15%
- Use: COMMERCIAL RESTAURANT, OFFICES, DUPLEX
- Parking: 20 Spaces provided on site
- Access: 10' from lot line
- COMMERICAL STORAGE: 2,500 SF (200' x 12.5')
- TOTAL: 15 SPACES
- 10' from lot line
- 15 SPACES TYP. 8.5x17' MAX DRIVEWAY
- Loading space: 1 (UNDER 2500SF)

- LOTTA 30 SPACES
- PARKING REQUIREMENTS
- PROPOSED BUILDING
- Lot for 2,500 SF APPROX 11.4 acres
- 2nd floor 250 SF (25' x 10')
- Total space under 10 spaces
- Access: 10' from lot line
- Spaces provided on site: 20
- Spaces from lot line: 3 spaces
- Spaces from lot line: 10 spaces

REQUIRED ACCESS, EASEMENT, UTILITY & PARKING EASEMENT 10' MIN. DEPTH
SHALL BE PROVIDED TO THE DEPT. OF PUBLIC WORKS - 1,000' + DEPTH

7 6 5 4 3 2 1 1 2 3 4

USE 20130006

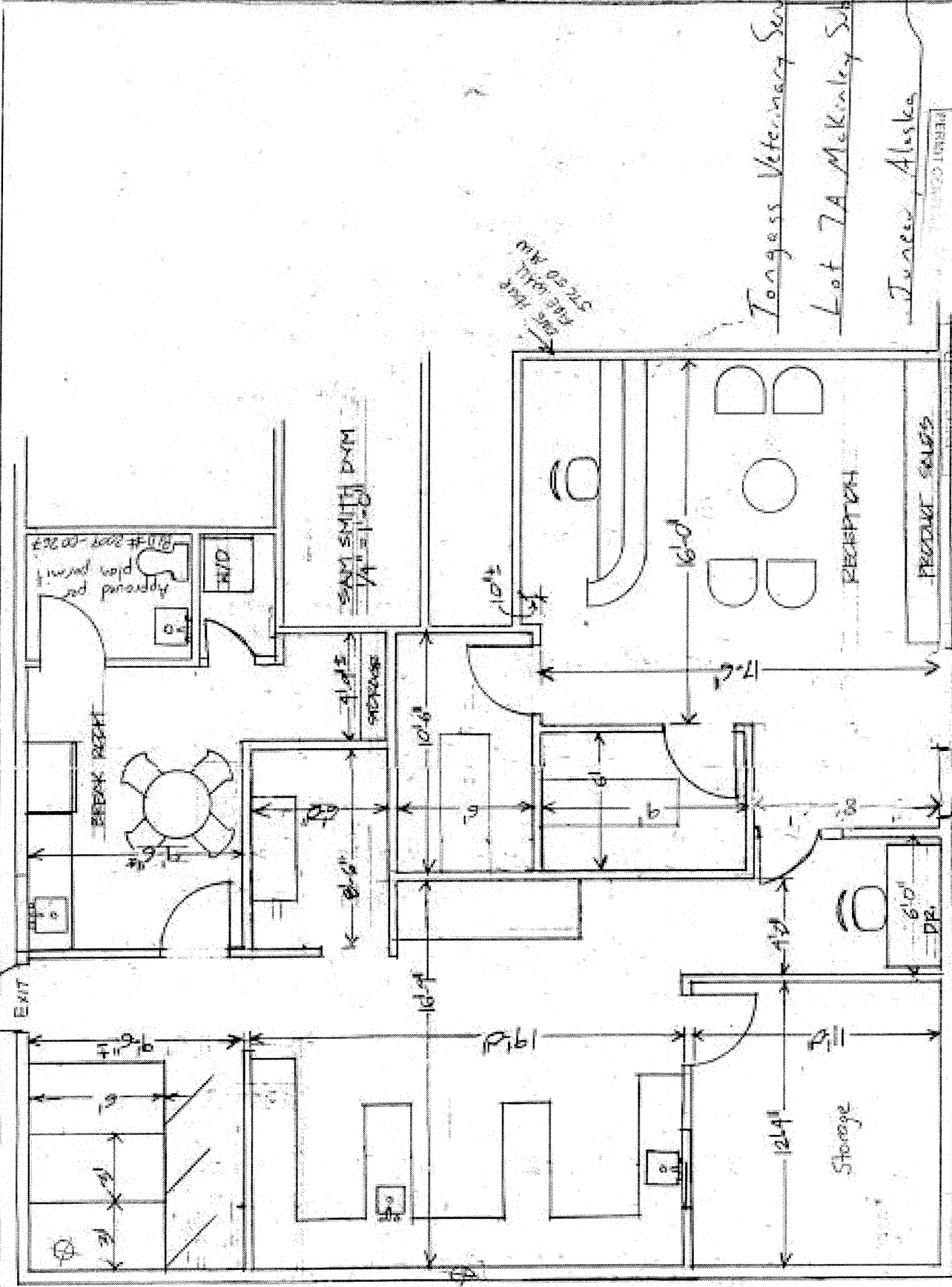
Tongass Veterinary Services, LLC

Lot 7A McKinley Subdivision

Juneau, Alaska

RECEIVED
JAN 04 2003
PERMIT CENTER

RECEIVED
JAN 10 2003
PERMIT CENTER



ATTACHMENT D