


# MEMORANDUM

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

**DATE:** September 18, 2013

**TO:** Board of Adjustment

**FROM:** Sarah Bronstein, Planner   
Community Development Department

**FILE NO.:** UNL2013 0001

**PROPOSAL:** Similar use determination under CBJ 49.20.320 that salvage yards are most similar to category 11.130, Recycling operations.

The City and Borough of Juneau Code states at 49.20.320, *Use Not Listed*, that after public notice and a hearing, the board may permit in any district any use which is not specifically listed in the table of permissible uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the Table of Permissible Uses.

## GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Address: Borough wide

## **ATTACHMENTS**

1. Site Map
2. Inquiry Application

## **PROJECT DESCRIPTION**

**Summary:** Similar use determination, under CBJ 49.20.320, that salvage yards are not listed in the Table of Permissible Uses, CBJ 49.25.300, and are most similar to category 11.130, Recycling operations.

**Full Description:** The City and Borough of Juneau (CBJ) has submitted this memorandum regarding a Use Not Listed determination in order to address the category of 11, *Materials Salvage Yards and Waste Management* in Title 49. Currently, although Materials Salvage Yard is listed in the title for Land Use Category 11, there is no use listed within the category that includes the variety of uses and potential impacts of salvage yards. Planning department staff recommends that the Board of Adjustment make a determination that salvage yards are most similar to use 11.130, Recycling operations: *Sorting, storage, preparation for shipment occurring outside an enclosed structure.*

Without a specific use category for salvage yards, they must be considered under use category 2.000, *Sales and rental [of] goods, merchandise, or equipment*. This requires salvage yards that include a retail component, such as automobile salvage yards or building material salvage yards, to apply for a Conditional Use permit in the Industrial zone. This similar use determination would allow salvage yards with department approval within Industrial and Waterfront Industrial zones.

## **BACKGROUND**

The catalyst for this Use Not Listed application is a development application by Jason Donig for the construction and operation of a building materials salvage yard at 5327 Shaune Drive. The applicant's lot lies in an Industrial zone in Lemon Creek, and is surrounded on all sides by other industrially zoned land. Adjacent to or near the site are lots used for storage or parking, an auto mechanic, Construction Machinery Industrial, LLC, and Alaskan Brewing Company. Mr. Donig desires to open and operate Alaska ReUse, a building supply salvage and retail operation, on property leased from Akiyama Family Enterprises, LLC. According to Mr. Donig's business plan, Alaska ReUse would be "a repurposing store and deconstruction service provider" with a mission of "repurposing useable materials that [would otherwise] end up in the landfill." The company would "provide quality materials for carpenters and homeowners to construct,

remodel and repair buildings while encouraging the preservation and renewal of natural resources.”

Anticipated traffic generated by the Alaska ReUse will be daily traffic by customers and employees, frequent deliveries of salvaged goods from demolition or construction projects, and the delivery of approximately one shipping container per month of antique and specialty goods from Seattle. Merchandise will be displayed in shipping containers and tents. The entire property is enclosed by a sight-obscuring fence at least six feet tall.

Because Mr. Donig’s business involves the accumulation, processing and sale of waste or second hand materials, it is functionally a salvage yard. A salvage yard such as Mr. Doing’s, as defined by *The Latest Illustrated Book of Development Definitions*, is “a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

However, CBJ Title 49 contains no specific land use designation for salvage yards as defined above. According to CBJ 49.20.320, the Board of Adjustment may rule in cases where a specific use is not listed that the use is of the same general character as another use which is permitted:

CBJ 49.20.300     AUTHORIZATION TO INTERPRET. The board of adjustment is authorized to interpret the zoning map and the text of this title and to pass upon questions...presented by the department or a property owner directly concerned.

CBJ 49.20.320     USE NOT LISTED. After public notice and a hearing, the board may permit in any district any use which is not specifically listed in the Table of Permissible Uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the Table of Permissible Uses.

Specifically, staff is requesting that the Board of Adjustment consider “Salvage Yard” a use not specifically listed in the Table of Permissible Uses but one that is of the same general character as recycling operations, use category 11.130.

## **COMPLIANCE WITH ADOPTED PLANS**

### **COMPREHENSIVE PLAN (2008)**

POLICY 2.1. IT IS THE POLICY OF THE CBJ TO BUILD A SUSTAINABLE COMMUNITY THAT ENDURES OVER GENERATIONS AND IS SUFFICIENTLY FARSEEING AND FLEXIBLE TO MAINTAIN THE VITAL AND ROBUST NATURE OF ITS ECONOMIC, SOCIAL, AND ENVIRONMENTAL SUPPORT SYSTEMS.

2.1.IA6 Develop and implement a variety of incentive programs to stimulate innovative conservation practices in residential, commercial and governmental sectors.

2.1.IA7 Initiate community development programs to attract sustainable businesses to Juneau and the Southeast Alaska region.

POLICY 7.20. IT IS THE POLICY OF THE CBJ TO CARRY OUT AND IMPROVE PROGRAMS THAT WILL BOTH REDUCE AND ELIMINATE LITTERING AND ACCUMULATION OF JUNK WITHIN THE CBJ AS WELL AS CLEAN UP SUCH MATERIAL WHEN IT IS FOUND.

7.20.IA2 Revise the Land Use Code to limit the number of unlicensed or inoperative vehicles allowed on residential property.

7.20.IA3 Investigate, with the business community, a cost effective method for disposal of recyclable materials.

POLICY 12.4 IT IS THE POLICY OF THE CBJ TO FACILITATE THE REDUCTION OF WASTE MATERIALS GENERATED AND DISPOSED BY HOUSEHOLDS AND BUSINESSES THROUGH PROMOTION OF AN AGGRESSIVE SOLID WASTE DIVERSION PROGRAM INCLUDING ACTIVITIES FACILITATING WASTE PREVENTION, REUSE AND RECYCLING.

### **FINAL SOLID WASTE MANAGEMENT STRATEGY FOR THE CITY AND BOROUGH OF JUNEAU (2007)**

Recommendation # 12: Adopt minimum reuse/recycling standards for specified construction / demolition projects.

### **ANALYSIS**

Several existing uses listed in the Table of Permissible Uses are similar in some ways to salvage yards. None describe the use perfectly, but the closest and most similar use is *11.130: Recycling operations—Sorting, storage, preparation for shipment occurring outside an enclosed structure*.

Within Category 11, *Materials Salvage Yards, Waste Management* in the Table of Permissible Uses, all existing subcategories are related to waste management, but none specifically describe a salvage or recycling operation with a retail component. The recycling subcategories (11.110-11.130) were added to the table in 1991 with the intent of allowing for a range of recycling facilities in a greater number of zones. The most restrictive subcategory, *11.130: Sorting, storage, preparation for shipment occurring outside an enclosed structure*, is allowed outright only in Industrial and Waterfront Industrial zones. It encompasses larger collections and processing facilities that might be objectionable in other zones. Salvage yards are most similar to this use: salvage yards will have similar freight and space needs; they will incur similar noise or

visual impacts; and they will involve the collection, processing and storage of similar goods. While there is no retail component to the existing recycling categories, salvage yards are most similar in character, functionality and neighborhood impacts to this land use designation.

Other subcategories in the table of permissible uses were considered when analyzing this Use Not Listed determination. These subcategories were:

2.000 SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT

2.120: *With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods—miscellaneous;*

2.200: *Storage and display of goods with greater or equal to 5,000 square feet and /or 20 percent of the gross floor area of outside merchandising of goods; and,*

19.000 OPEN AIR MARKETS, NURSURIES, GREENHOUSES

19.100: *Open Air Markets (farm, craft, flea and produce)*

Land use subcategory 2.120: *Sales and Rental Goods—with less than 5,000 square feet: Miscellaneous* is a retail subcategory which describes small commercial retail operations. Land uses within this subcategory are encouraged in Light Commercial, General Commercial and Mixed Used zones, and are only allowed in Industrial zones with a Conditional Use permit. Because of the size of the products being handled, the potential visual impacts of these goods, and the frequent need for outdoor storage associated with salvage yards, salvage yards are not of the same general character as this land use category.

Land use subcategory 2.200: *Sales and Rental Goods with greater or equal to 5,000 square feet* is also dissimilar in character to salvage yards. While it encompasses outdoor sales commonly associated with automobile salvage yards, it nonetheless still encourages the use in commercial and mixed use zones. The subcategory was intended more for large scale retail such as Home Depot, or other new retail with or without outdoor storage. The visual impact of these new retail establishments is different from the visual impact of a salvage operation, and thus this subcategory is also not of the same general character as salvage yards.

Lastly, staff considered land use subcategory 19.100: *Open Air Markets (farm, craft, flea and produce)*. This category describes short term or seasonal marketplaces. Craft markets, farmers markets or flea markets generate high volumes of traffic for short periods of time, and are usually constructed and operated on a temporary basis. While flea markets and salvage yards may both sell second hand goods, the two land uses are functionally and visually different.

## **FINDINGS**

Based on the analysis above, the Director finds that:

The use described for Alaska ReUse or other salvage yards does not fall into a specific use subcategory listed in the Table of Permissible Uses, CBJ 49.25.300, and will have uses and impacts of the same general character as those uses in category 11.130,

Recycling operations: *sorting, storage, preparation for shipment occurring outside an enclosed structure*. If approved, this Use Not Listed determination will allow Alaska ReUse and all future salvage yards, as defined below, to be deemed as listed in the table of permissible uses with the same permit requirements as subcategory 11.130 uses.

### **RECOMMENDATION**

Staff recommends that the Board of Adjustment determine that “Salvage Yards” are of the same general character as use category 11.130, *Recycling operations: Sorting, storage, preparation for shipment occurring outside an enclosed structure*. This determination is subject to the definition of salvage yard as:

*Salvage yard* means a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

Salvage yards will be allowed with department approval in the Waterfront Industrial and Industrial zoning districts; in the Waterfront Industrial zoning district, the use is subject to Note N: *Use must be water-dependent, water-related, or water-oriented*.

Furthermore, staff recommends the Board of Adjustment request staff to, at some time in the near future, amend Title 49 to include this new definition and amend the Table of Permissible Uses to reflect this added use.

**Case:** UNL2013 0001

**Attachment 1:** Aerial of 5327 Shaune Drive, location of the application by Alaska ReUse that triggered this Use Not Listed determination.



# DEVELOPMENT PERMIT APPLICATION

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

**Project Description**  
Similar Use Determination that Salvage yards are most similar to category 11.130, recycling operations.

**PROPERTY LOCATION**

Street Address: CBS - wide City/Zip: \_\_\_\_\_  
 Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): \_\_\_\_\_  
 Assessor's Parcel Number(s): \_\_\_\_\_

**LANDOWNER/ LESSEE**

Property Owner's Name: N/A Contact Person: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_ Other Contact Phone Number(s): \_\_\_\_\_

**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.

X N/A Landowner/Lessee Signature Date \_\_\_\_\_  
 X \_\_\_\_\_ 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: City and Borough of Juneau Contact Person: Sarah Bronstein Work Phone: 907-586-0946  
 Mailing Address: 155 S. Seward St., Juneau, AK 99801 Home Phone: \_\_\_\_\_ Fax Number: 907-586-3365  
 E-mail Address: Sarah\_bronstein@ci.juneau.ak.us Other Contact Phone Number(s): \_\_\_\_\_

X Jackie Bush Applicant's Signature Date of Application: 9/11/2013

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS

✓	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)		<u>9/11/2013</u>	<u>UNL20130001</u>
	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)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	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



# INQUIRY APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>UNL2013 0001</u>	Date Received <u>Sept. 17<sup>th</sup> 2013</u>
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## TYPE OF INQUIRY REQUESTED

- |  |   |
|--|---|
| <input type="checkbox"/> General Inquiry (INQ)<br>(see below)  | <input type="checkbox"/> Text or Map Interpretation (TMI)                               |
| <input type="checkbox"/> Letter of Zoning Compliance (LZC)**** | <input checked="" type="checkbox"/> Use Not Listed (UNL)<br>(Similar Use Determination) |

\*\*\*\*A Letter of Zoning Compliance requires a fee

## SPECIFIC QUESTION YOU WOULD LIKE ANSWERED:

Similar Use Determination that salvage yards are most similar to category 11.130, recycling operations.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

## GENERAL INQUIRY TOPIC

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> FEMA LOMR<br><br><input type="checkbox"/> Floodzone<br><br><input type="checkbox"/> General<br><br><input type="checkbox"/> Hazard Zone<br><br><input type="checkbox"/> Historic District | <input type="checkbox"/> Home Occupation<br><br><input checked="" type="checkbox"/> Land Use<br><br><input type="checkbox"/> Noise<br><br><input type="checkbox"/> Ordinary High Water Determination<br><br><input type="checkbox"/> Parking | <input type="checkbox"/> Preliminary to Enforcement Actions<br><br><input type="checkbox"/> Rezoning<br><br><input type="checkbox"/> Street Vacation<br><br><input type="checkbox"/> Subdivision<br><br><input type="checkbox"/> Wetlands |
|--|--|---|

## INQUIRY SPECIFICS (please fill in all that may apply):

Parcel Number ~~UNL2013 0001~~ Zoning District I, WI  
 Case Number UNL2013 0001 Code Section CB 49.20.320

Current Use of Land or Buildings \_\_\_\_\_

Proposed Use of Land or Buildings \_\_\_\_\_

Other \_\_\_\_\_

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.

### INQUIRY FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**