

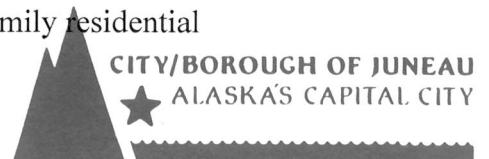
# MEMORANDUM

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

**DATE:** November 20, 2013  
**TO:** Planning Commission  
**FROM:** Sarah Bronstein, Planner  
Community Development Department *SB*  
**FILE NO.:** USE2013 0035  
**PROPOSAL:** Conditional use permit for overflow parking of vehicle inventory on land zoned Light Commercial.

## GENERAL INFORMATION

Applicant: Alaska Rent A Car, INC  
Property Owner: Alaska Rent A Car, INC  
Property Address: Jordan Avenue  
Legal Description: Valley Professional Center Lots 6 and 7  
Parcel Code Number: 5-B15-0-111-008-0 and 5-B15-0-111-009-0  
Site Size: 80,710 square feet  
Comprehensive Plan Future Land Use Designation: General Commercial  
Zoning: Light Commercial  
Utilities: City water and sewer  
Access: Jordan Avenue  
Existing Land Use: Vacant  
Surrounding Land Use:  
North - Egan Drive, D10  
South - Light Commercial, multifamily housing  
East - Egan Drive, D10  
West - D5, single family residential



**Vicinity Map**



**ATTACHMENTS**

Attachment A: Vegetation/Fencing plan

Attachment B: Letter from Gordon Jackson, November 18<sup>th</sup>, 2013

**PROJECT DESCRIPTION**

The applicant, Alaska Rent a Car, Inc., requests a Conditional Use permit for the use of Valley Professional Center Lots 6 and 7 to store rental vehicles. The lot is currently vacant and zoned Light Commercial. The applicant will not be operating any other rental operations on the two lots. The proposed use of the two lots for commercial parking is not accessory to another use on the lots, and therefore requires a Conditional Use permit.

The applicant has indicated that at some point in the future they plan to utilize these two lots to operate a full car rental service. At this time, however, they intend to use the lots only to store extra cars from their rental fleet, which swells in the spring and summer to meet higher demand during the tourism season. Use of the lots for other commercial operations is not part of this review and may require a separate conditional use permit in the future.

## **BACKGROUND**

In April of 2013, the Community Development Department was notified by an adjacent neighbor, Southeast Alaska vehicle rental franchise Alaska Rent a Car, Inc., was using the Valley Professional Center Lots 6 and 7 for commercial overflow parking.

The site had previously been forested, and the prior land owner cleared the land with the exception of the 20 foot vegetative buffer along the west side of Lot 7 and some vegetation along the northeast border shared with Egan Drive. Further tree loss due to wind storms has diminished the buffer, exposing neighbors along the back of the lot to the sights and sounds of Egan Drive. Gordon Jackson, an adjacent neighbor, expressed concern that unless the buffer is replanted with trees and shrubs and augmented by a sight obscuring fence, his property value will be negatively affected by the use of Lots 6 and 7 as parking lots. The neighbor also indicated that water from the parking lot was not properly drained, and flowed onto his lot.

The Alaska Rent a Car office in Sitka was informed in April by the City and Borough of Juneau (CBJ) that a Conditional Use permit would be required in order to park cars on the lot. No permit was submitted at that time. In October, the Community Development Department received a second complaint from the same adjacent neighbor that the lot was once again being used for overflow rental parking by Alaska Rent a Car. In addition, a sign had been erected on one of the lots without a sign permit.

On October 10<sup>th</sup>, 2013, the Community Development Department issued a Notice of Violation (NOV) to Alaska Rent a Car, Inc. The NOV required corrective action by October 23<sup>rd</sup>. Alaska Rent a Car, Inc. has now applied for a Conditional Use permit to use Lots 6 and 7 as parking lots not accessory to another use on the lots.

## **ANALYSIS**

**Project Site** – The project site is accessed via Jordan Drive. The site is adjacent to Egan Drive along the northeast lot line, but does not directly access Egan. The Light Commercial zoning district requires 15% vegetative coverage (CBJ 49.50.300), which is currently met by an existing 20 foot vegetative buffer, a settling pond easement, and a border of trees and shrubs along the northeast border of the site. The total area of the project is 80,710 square feet, encompassing Lot 6 (22,817 square feet) and Lot 7 (57,892 square feet).

**Project Design** – The applicant has submitted a site plan and a vegetative coverage and screening plan outlining the proposed project. The interior of Lot 7 will be used to store rental vehicles. The existing 20 foot vegetative buffer along the western side of

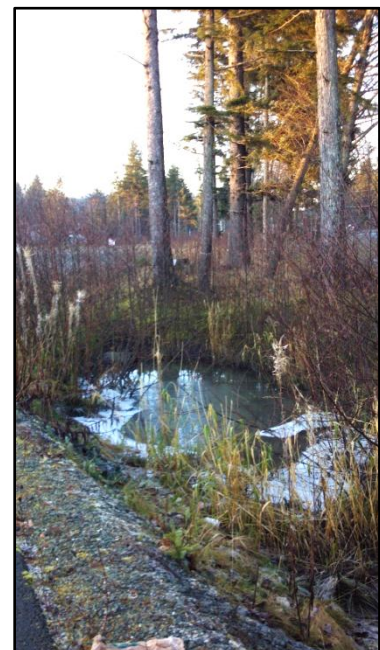


Figure 1: Settling pond at south corner of Lot 6.

Lot 7 will be replanted and maintained, and a 6 foot wood sight obscuring fence will be constructed along the east side of the vegetative buffer. A further strip of vegetative cover and a 4 foot fence will extend along the northeast side of both lots, adjacent to Egan Drive.

**Traffic** – Staff does not anticipate that the project will generate a significant number of trips per day, as the lots will be used primarily for storage. CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day.



Figure 2: Vegetative buffer along the west side of Lot 7.

**Parking and Circulation** – Because the lot is dedicated only to parking, and because there is no use to which the parking is accessory, Title 49 contains no requirement for the number of parking spaces needed for the project. Alaska Rent a Car estimates that in the shoulder season they will store between 30 and 50 cars on the lot. In summer and winter there will be fewer cars on site. Because the parking is for commercial storage of vehicles and not for public access, parking space orientation and dimensions described in Title 49 do not apply.

**Noise** – While the use itself may not generate significant noise, clearing of trees on the lots for commercial parking has exposed adjacent residents to noise impacts associated with Egan Drive directly to the east.



Figure 3: View of Egan Drive across the site from adjacent neighborhood.

**Public Health or Safety** – No public health or safety concerns have been raised by this proposal.

**Habitat** – The lots in question are not near an anadromous fish stream or mapped bald eagle nest. There are no anticipated habitat concerns as a result of this project.

**Property Value or Neighborhood Harmony** – Adjacent property owner Gordon Jackson has raised concerns over the potential impact this project will have on property values for lots to the west (zoned D5) (See Attachment B). To shield the abutting neighbors from the visual impacts of commercial uses on the lot, the property owner will construct and maintain a 6 foot tall sight obscuring fence and replant and maintain the vegetative buffer along the western property line of Lot 7. These actions shall be conditions of approval for this conditional use permit.

The same neighbor also expressed concern over storm water runoff from the parking lot onto his property. The applicant must comply with the storm water management code required by CBJ Title 62 if and when the property owner submits a grading permit to grade and gravel the lot. A drainage plan will be required prior to issuance of a building permit for grading and site prep. This future requirement is also listed as a condition of this use permit.

**Lighting** – The applicant has not proposed adding any lighting to the site at this time.

**Conformity with Adopted Plans** – The 2008 Comprehensive Plan states in Chapter 10 the importance of commercial land and the business it supports for the local economy in Juneau. It speaks especially to the importance of providing goods and services to support tourism, which in turn fuels the rental car industry:

*10.9.DG1 When reviewing permits for visitor destinations and related tourism industry activities, identify and seek to mitigate off-site impacts.*

In this case the off-site impacts are mitigated by proposed conditions to install a fence, plant and maintain vegetation, and to remediate drainage at the time of a grading permit.

The Comprehensive Plan also addresses the importance of mitigating conflicts between incompatible uses:

*POLICY 10.4 It is the policy of the CBJ to minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.*

In this case the Comprehensive Plan identifies that commercial uses will abut residential areas, and the zoning implements such a vision.

*10.4.IA2 Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses and careful*

*review of site development plans. Great care should be taken to incorporate design features, materials and good neighbor operating practices into the non-residential development permit in order to mitigate potential adverse noise, dust, odor and glare impacts to adjacent residential neighbors. Such operating practices should be incorporated as conditions of any permit for a non-residential land use located within 200 feet of a residential use or neighborhood.*

In this case there are no opportunities to develop regulatory changes.

*10.7.IA1 Maintain and improve design review procedures to ensure that proposals for commercial (retail, office and institutional) development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, screening and buffers, signage and other factors related to surrounding properties, land uses and public facilities.*

In this case there are no opportunities to develop regulatory changes.

## **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.** Staff finds that 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 10.100 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 November 15th and 25th 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 proposed use with appropriate conditions does not appear to materially endanger public health and safety.

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

**No.** Once the development complies with the required conditions applied to this use permit, the parking lot will properly shield adjacent residences from the visual and audible impacts associated with the commercial land use and with Egan drive. Vegetative coverage requirements will also create an appropriate transition to the adjacent residential zone. In addition to the D5 single family residential development to the west, the proposed project is adjacent to multifamily condominiums now under construction to the south.

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

**Yes.** The Light Commercial zone is located adjacent to residential neighborhoods, but imposes stricter design provisions than General Commercial zone, in order to mitigate any negative impacts commercial land uses may impose upon adjacent neighborhoods. This development proposal is in compliance with policies 10.4 and 10.9 of the 2008 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

**RECOMMENDATION**

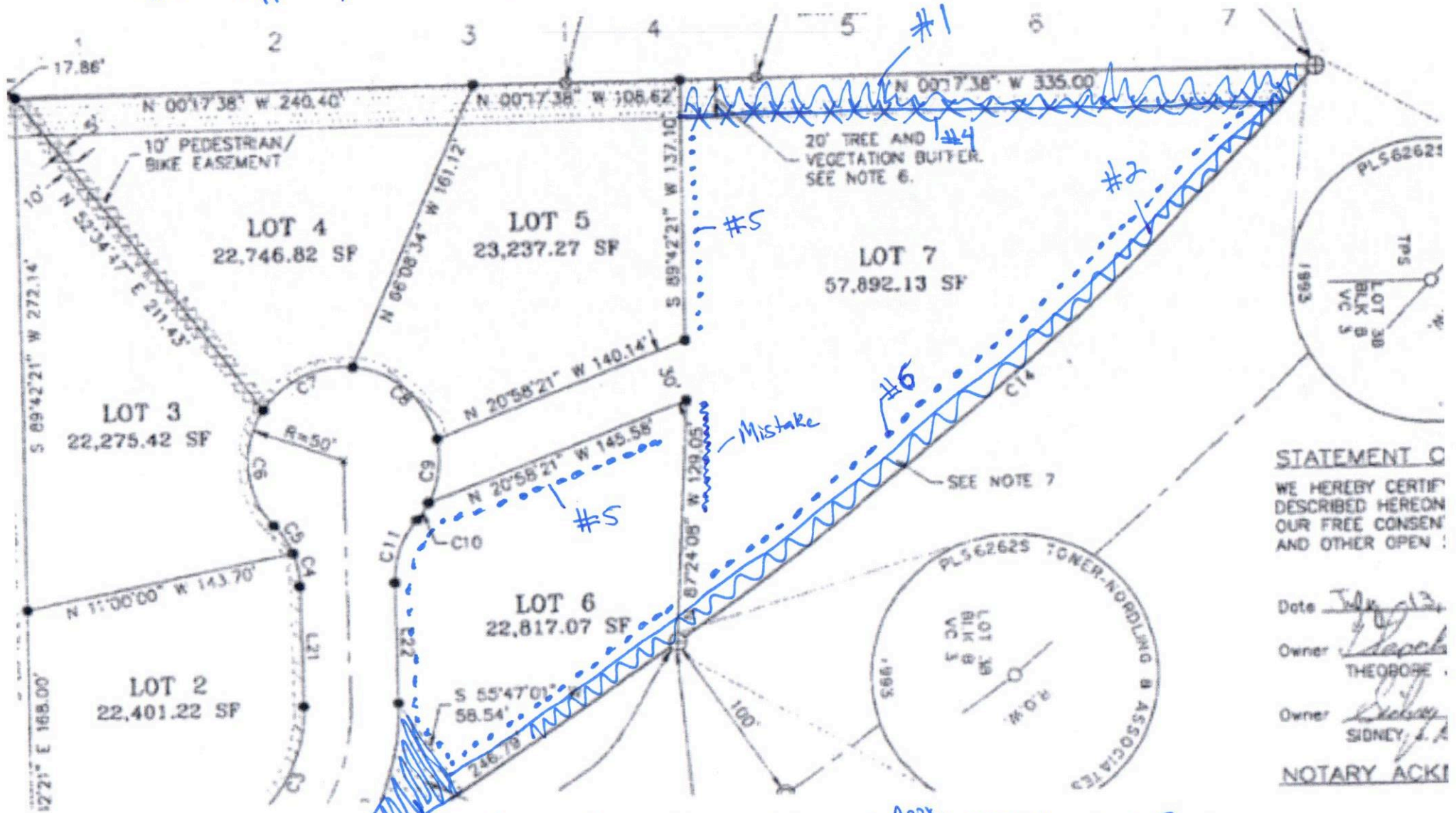
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a parking lot not accessory to another use on the lot within a Light Commercial zone.

The approval is subject to the following conditions:

- 1) The vegetative cover shown on the plans submitted shall be maintained with live vegetation as shown in the approved plans. Proposed new vegetative cover shall be installed within one growing season of permit approval.
- 2) A sight-obscuring fence at least 4 feet tall shall be installed along the perimeter of the site. Advisory: Fences over six feet tall require a building permit prior to construction. No sight obscuring fence more than four feet tall may be constructed closer than 20' from the edge of a traveled way; on corner lots, sight obscuring fences are limited to three feet in height within 20' of intersecting traveled ways. CBJ §49.25.430(4)(L)
- 3) Prior to issuance of a building permit the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing stormwater run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.



Legend - #1 - Appx 6,700 sf vegetative buffer.  
 Continued Below #2 - Appx 2,960 sf vegetative buffer (2,270 on LT7 and 690 sf LT6)  
 #3 - Appx 3,132 sf vegetative buffer (settling pond easement)



STATEMENT C  
 WE HEREBY CERTIFY  
 DESCRIBED HEREON  
 OUR FREE CONSENT  
 AND OTHER OPEN  
 Date July 13  
 Owner Theodore  
 THEODORE  
 Owner Sidney  
 SIDNEY, L.A.  
 NOTARY ACK

Vegetative Coverage  
 LT 6 - Appx 3,822 sf  
 LT 7 - Appx 8,970 sf

Legend -  
 Continued  
 XXXX = Wood Fence  
 ..... = Wire Fence  
 #4 - 6' ~~APPX.~~ 330 ft Wood Fence  
 #5 - Wire Fence 6'  
 #6 - Wire Fence 4' (possible wood)

## Sarah Bronstein

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**From:** Gordon Jackson <gordon.l.jackson@gmail.com>  
**Sent:** Monday, November 18, 2013 4:46 PM  
**To:** Sarah Bronstein  
**Cc:** Pat Jackson  
**Subject:** Thank you

One item I have noticed since the place was clear cutted of all the timber has been the increase in the running of our sump pump. Since the trees have been gone and condominium units built, the water flow towards us have increased substantially. All of the landfill slants towards the residential units. When it rains hard, like it did a month ago, our sump pump ran almost 24 hours with few stops. It never did this before in our 29 years of living there. After a soaking rain, I would invite some of you to our home to listen to the pump while we drink coffee and have cookies. I believe a drainage pipe should be installed that would drain the run off to the ditch towards Egan Drive designed to flow that surplus rain water to Jordan Creek. With the car rentals they will be shoving the snow so they can park the cars. The snow will flood our area unless there is adequate drainage during the melt. They should make sure the snow is not plowed towards our residential areas. Doing this will make sure the water runs towards us and maybe even flood our basements. I feel strongly about this drainage pipe!

We agree with the replacement of vegetation and planting trees. The former owner promised this but, never did and we did this ourselves at a nice expense to us. Reviewing our outlays we are sure the amount we have spent is well over \$3000. If you look over the mound, you will see a nice lawn and gardens. We enjoy a good lawn and work hard on our gardens and appearance. It is a good part of our values. Looking at Avis car rentals is not something that should have been approved. Something like this belongs near the airport and not adjacent to a residential area. The last time I saw this was in the State of Texas where local and state planning laws are almost non existent!

We agree with a fence, and not a chain link. We see all of the cars parked there from our living room. During the dark fall and winter, their headlights will show through our windows. The fence will cut down on this and the noise we are exposed to from Egan Drive. When the trees were present we had a quiet place and the noise from Egan Drive is up several decibels since the clear cuts. The fence will be a nice noise abatement addition and shield us from a poorly planned parking lot. If this is what we call a nice tourism type project for the city and borough, I question the logic of this justification to place this parking lot here.

A final comment I would like to make is land owners need to have some respect for their neighbors. As a resident I tried to communicate with the former owner and this one. I was subject to some pretty bad language and middle fingers. One question I asked was how far they would drop the trees. They said right up to your Lawn and maybe your home! They greeted us with middle fingers even when our grandchildren were present. I must admit the new owners did communicate with me but, they were never informed of the problem the former owner left in her due diligence. I informed her of the promises made and urged her to do that and would get few negative comments. She said it was up to the former owner to do this. I beg to differ and would suggest that whoever owns this parcel must own up to the problems of a land owner. We have paid a nice price already and believe they should do likewise.

I beg to differ with some of your analysis. The noise from Egan Drive, exposure to the high wind and rains in the fall and winter, a fine view of an ugly parking lot full of cars, water drainage towards our home, and little respect for the adjacent residents did bring down our home values. All we ask is they do the adequate drainage, quality fence, and good landscape so it can bring back some of what we lost!

Thank you.

**Attachment B**